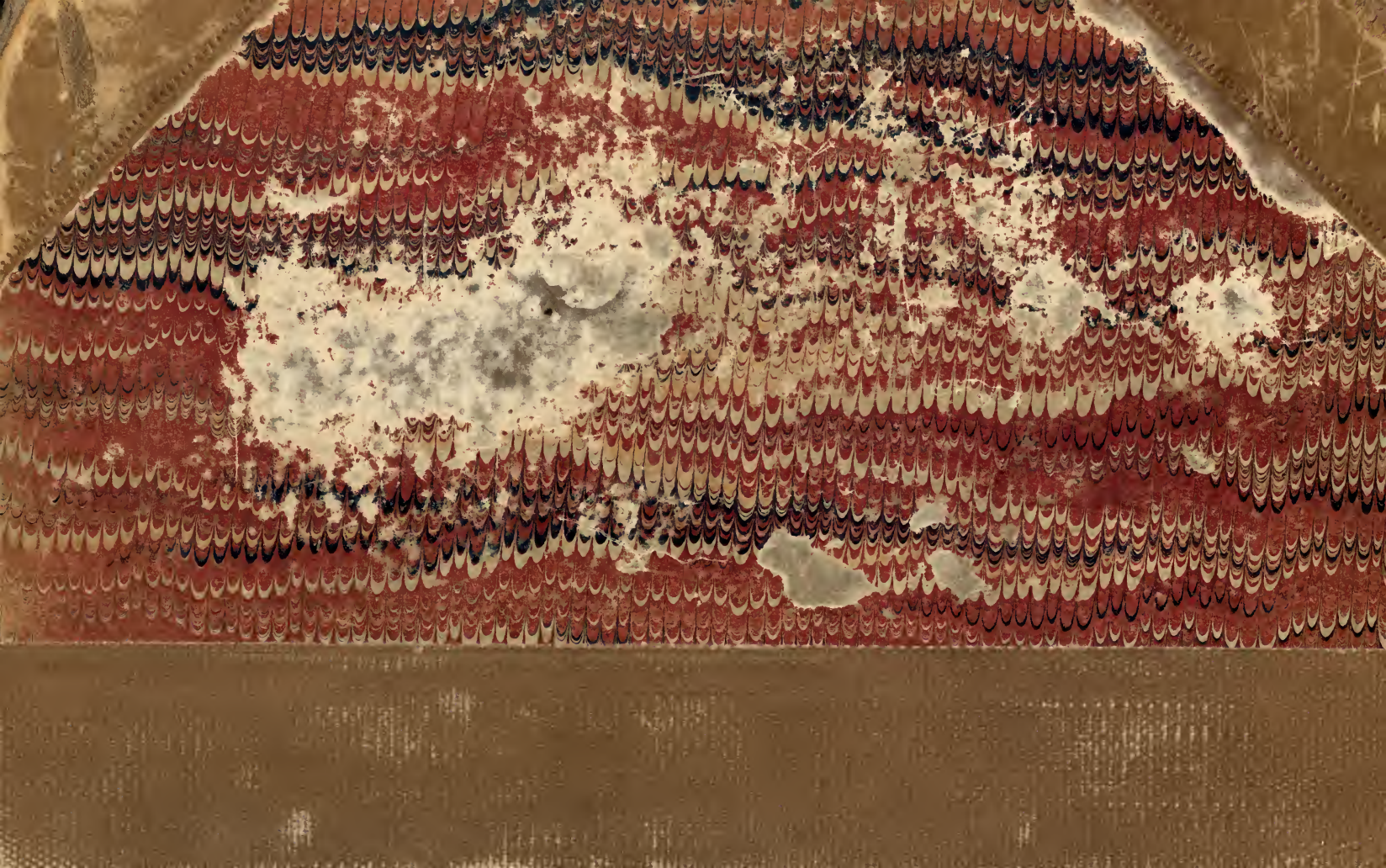

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THE WORKS

OF

JOHN C. CALHOUN.

VOL. II.

NEW YORK:
D. APPLETON AND COMPANY,
346 & 348 BROADWAY.
M.DCCC.LX.

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1851

SPEECHES

OF

JOHN C. CALHOUN,

DELIVERED IN THE

HOUSE OF REPRESENTATIVES,

AND IN THE

SENATE OF THE UNITED STATES

EDITED BY

RICHARD K. CRALLÉ.

NEW YORK:
D. APPLETON AND COMPANY,
346 & 348 BROADWAY.
M.DCCC.LX.

14

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ADVERTISEMENT.

The collection of the Speeches of Mr. Calhoun, here offered to the public, includes, it is believed, all delivered by him in Congress of any general interest—or rather, all, of which any reliable reports have been preserved. Many, no doubt, especially during the war of 1812, through carelessness and the want of competent reporters in the House of Representatives, have been lost—a fact the more to be regretted, as the period was marked by events of much moment to the country. For the comparatively few which have been preserved, the public is chiefly indebted to the Hon. Mr. Simkins, at that time a member of the House from South Carolina, who, for his own gratification, took notes and drew out the sketches (for they are by no means full reports) which appear in this collection. For the use of these, the Editor is indebted to the kindness of the Hon. Francis W. Pickens—to whom he takes this occasion to return his acknowledgments. Others, belonging to the same period, have been copied from manuscripts found among the papers of Mr. Calhoun, though not in his handwriting.

Of the Speeches delivered in the Senate, between the years 1833 and 1850, a much larger number has been preserved. They are, for the most part, better reported; and not a few were published in pamphlet form at the time, under his own inspection. Still, so constant and pressing were his engagements—so incessant the demands on his

time, that it is impossible he could have bestowed much attention, except on those connected with the more important subjects of discussion. Many were left to be drawn out by the reporters; and his peculiar position, in regard to the two great contending parties of the country, was any thing but favorable to fulness and fidelity. Not a few (and among them some on questions of much interest) were never reported at all, or otherwise so mangled and garbled,—to serve a temporary purpose,—as to render them unworthy of this collection. A sufficient number, however, it is hoped, has been preserved from the ravages of time, and the still more ruthless spirit of party, to insure, as a tribute to his virtues, the love of the Patriot, the admiration of the Statesman, and the gratitude of the Historian and the Philosopher.

As many of the questions discussed during the war of 1812, both of a foreign and domestic character, have probably, to some extent, faded from the public memory, the Editor has prepared a brief introductory note to the Speeches delivered in the House of Representatives, which he hopes will be acceptable to the general reader. It was deemed unnecessary to adopt the same course in regard to Speeches of a more recent date.

April 8, 1853.

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SPEECHES.

SPEECH

On the second Resolution reported by the Committee on Foreign Relations, delivered in the House of Representatives, Dec. 12, 1811.

[NOTE.—The Committee on Foreign Relations, on the 29th of November, 1811, submitted a report, which, after an able examination of the causes of war with Great Britain, concluded by recommending to the House the adoption of a series of resolutions, among which was the following:

"2. *Resolved*, That an additional force of ten thousand regular troops ought to be immediately raised to serve for three years; and that a bounty in lands ought to be given to encourage enlistments."

This resolution having been amended in committee of the Whole, by striking out the word "*ten*," was reported to the House, where an animated debate ensued. A majority of the committee avowed their object to be a preparation for war; and the discussion took the widest range, embracing almost every topic of foreign and domestic policy. The principal speaker, on the part of the opposition, was Mr. Randolph of Virginia, to whose remarks Mr. Calhoun seems to have confined his reply. The resolution was finally adopted—Yeas, 109; Nays, 22.]

MR. SPEAKER:—I understood the opinion of the Committee on Foreign Relations, differently from what the gentleman from Virginia (Mr. Randolph) has stated to be his

impression. I certainly understood that the committee recommended the measures now before the House, as a preparation for war; and such, in fact, was its express resolve, agreed to, I believe, by every member, except that gentleman. I do not attribute any wilful misstatement to him, but consider it the effect of inadvertency or mistake. Indeed, the Report could mean nothing but war or empty menace. I hope no member of this House is in favor of the latter. A bullying, menacing system, has every thing to condemn and nothing to recommend it. In expense, it almost rivals war. It excites contempt abroad, and destroys confidence at home. Menaces are serious things; and ought to be resorted to with as much caution and seriousness, as war itself; and should, if not successful, be invariably followed by it. It was not the gentleman from Tennessee (Mr. Grundy) who made this a war question. The resolve contemplates an additional regular force; a measure confessedly improper but as a preparation for war, but undoubtedly necessary in that event.

Sir, I am not insensible to the weighty importance of the proposition, for the first time submitted to this House, to compel a redress of our long list of complaints against one of the belligerents. According to my mode of thinking, the more serious the question, the stronger and more unalterable ought to be our convictions before we give it our support. War, in our country, ought never to be resorted to but when it is clearly justifiable and necessary; so much so, as not to require the aid of logic to convince our understandings, nor the ardor of eloquence to inflame our passions. There are many reasons why this country should never resort to war but for causes the most urgent and necessary. It is sufficient that, under a government like ours, none but such will justify it in the eyes of the people; and were I not satisfied that such is the present case, I certainly would be no advocate of the proposition now before the House.

Sir, I might prove the war, should it ensue, justifiable,

by the express admission of the gentleman from Virginia ;— and necessary, by facts undoubted, and universally admitted ; such as he did not pretend to controvert. The extent, duration, and character of the injuries received ; the failure of those peaceful means heretofore resorted to for the redress of our wrongs, are my proofs that it is necessary. Why should I mention the impressment of our seamen ; depredations on every branch of our commerce, including the direct export trade, continued for years, and made under laws which professedly undertake to regulate our trade with other nations ; negotiation resorted to, again and again, till it is become hopeless ; the restrictive system persisted in to avoid war, and in the vain expectation of returning justice ? The evil still grows, and, in each succeeding year, swells in extent and pretension beyond the preceding. The question, even in the opinion and by the admission of our opponents is reduced to this single point—Which shall we do, abandon or defend our own commercial and maritime rights, and the personal liberties of our citizens employed in exercising them ? These rights are vitally attacked, and war is the only means of redress. The gentleman from Virginia has suggested none, unless we consider the whole of his speech as recommending patient and resigned submission as the best remedy. Sir, which alternative this House will embrace, it is not for me to say. I hope the decision is made already, by a higher authority than the voice of any man. It is not for the human tongue to instil the sense of independence and honor. This is the work of nature ; a generous nature that disdains tame submission to wrongs.

This part of the subject is so imposing as to enforce silence even on the gentleman from Virginia. He dared not deny his country's wrongs, or vindicate the conduct of her enemy. Only one part of his argument had any, the most remote relation to this point. He would not say, we had not a good cause for war ; but insisted, that it was

our duty to define that cause. If he means that this House ought, at this stage of its proceedings, or any other, to specify any particular violation of our rights to the exclusion of all others, he prescribes a course, which neither good sense nor the usage of nations warrants. When we contend, let us contend for all our rights; the doubtful and the certain; the unimportant and essential. It is as easy to struggle, or even more so, for the whole as for a part. At the termination of the contest, secure all that our wisdom and valor and the fortune of the war will permit. This is the dictate of common sense; such also is the usage of nations. The single instance alluded to, the endeavor of Mr. Fox to compel Mr. Pitt to define the object of the war against France, will not support the gentleman from Virginia in his position. That was an extraordinary war for an extraordinary purpose, and was not governed by the usual rules. It was not for conquest, or for redress of injury, but to impose a government on France, which she refused to receive; an object so detestable that an avowal dared not be made.

Sir, I might here rest the question. The affirmative of the proposition is established. I cannot but advert, however, to the complaint of the gentleman from Virginia when he was first up on this question. He said he found himself reduced to the necessity of supporting the negative side of the question, before the affirmative was established. Let me tell the gentleman, that there is no hardship in his case. It is not every affirmative that ought to be proved. Were I to affirm, that the House is now in session, would it be reasonable to ask for proof? He who would deny its truth, on him would be the proof of so extraordinary a negative. How then could the gentleman, after his admissions, with the facts before him and the country, complain? The causes are such as to warrant, or rather make it indispensable, in any nation not absolutely dependent, to defend its rights by force. Let him, then, show the reasons why we ought not so to defend

ourselves. On him lies the burden of proof. This he has attempted; he has endeavored to support his negative. Before I proceed to answer him particularly, let me call the attention of the House to one circumstance; that is,—that almost the whole of his arguments consisted of an enumeration of evils always incident to war, however just and necessary; and which, if they have any force, are calculated to produce unqualified submission to every species of insult and injury. I do not feel myself bound to answer arguments of this description; and if I should touch on them, it will be only incidentally, and not for the purpose of serious refutation.

The first argument of the gentleman which I shall notice, is the unprepared state of the country. Whatever weight this argument might have in a question of immediate war, it surely has little in that of preparation for it. If our country is unprepared, let us remedy the evil as soon as possible. Let the gentleman submit his plan; and if a reasonable one, I doubt not it will be supported by the House. But, Sir, let us admit the fact and the whole force of the argument. I ask whose is the fault? Who has been a member, for many years past, and seen the defenceless state of his country even near home, under his own eyes, without a single endeavor to remedy so serious an evil? Let him not say, "I have acted in a minority." It is no less the duty of the minority than a majority to endeavor to defend the country. For that purpose we are sent here, and not for that of opposition.

We are next told of the expenses of the war; and that the people will not pay taxes. Why not? Is it from want of means? What, with 1,000,000, tons of shipping; a commerce of $100,000,000 annually; manufactures yielding a yearly product of $150,000,000; and agriculture of thrice that amount, shall we be told the country wants capacity to raise and support ten thousand or fifteen thousand additional regulars? No; it has the ability; that is admitted; and

will it not have the disposition? Is not the cause a just and necessary one? Shall we then utter this libel on the people? Where will proof be found of a fact so disgraceful? It is answered;—in the history of the country twelve or fifteen years ago. The case is not parallel. The ability of the country is greatly increased since. The whiskey-tax was unpopular. But on this, as well as my memory serves me,—the objection was not to the tax or its amount, but the mode of collection. The people were startled by the number of officers; their love of liberty shocked with the multiplicity of regulations. We, in the spirit of imitation, copied from the most oppressive part of European laws on the subject of taxes, and imposed on a young and virtuous people all the severe provisions made necessary by corruption and long-practised evasions. If taxes should become necessary, I do not hesitate to say the people will pay cheerfully. It is for their government and their cause, and it would be their interest and their duty to pay. But it may be, and I believe was said, that the people will not pay taxes, because the rights violated are not worth defending; or that the defence will cost more than the gain. Sir, I here enter my solemn protest against this low and "calculating avarice" entering this hall of legislation. It is only fit for shops and counting-houses; and ought not to disgrace the seat of power by its squalid aspect. Whenever it touches sovereign power, the nation is ruined. It is too short-sighted to defend itself. It is a compromising spirit, always ready to yield a part to save the residue. It is too timid to have in itself the laws of self-preservation. It is never safe but under the shield of honor. There is, Sir, one principle necessary to make us a great people,—to produce not the form, but real spirit of union;—and that is, to protect every citizen in the lawful pursuit of his business. He will then feel that he is backed by the government;—that its arm is his arm; and will rejoice in its increased strength and prosperity. Protection and patriot-

ism are reciprocal. This is the way which has led nations to greatness. Sir, I am not versed in this calculating policy; and will not, therefore, pretend to estimate in dollars and cents the value of national independence. I cannot measure in shillings and pence the misery, the stripes, and the slavery of our impressed seamen; nor even the value of our shipping, commercial and agricultural losses, under the orders in council, and the British system of blockade. In thus expressing myself, I do not intend to condemn any prudent estimate of the means of a country, before it enters on a war. This is wisdom,—the other folly. The gentleman from Virginia has not failed to touch on the calamity of war, that fruitful source of declamation by which humanity is made the advocate of submission. If he desires to repress the gallant ardor of our countrymen by such topics, let me inform him, that true courage regards only the cause, that it is just and necessary; and that it contemns the sufferings and dangers of war. If he really wishes to promote the cause of humanity, let his eloquence be addressed to Lord Wellesley or Mr. Percival, and not the American Congress. Tell them if they persist in such daring insult and injury to a neutral nation, that, however inclined to peace, it will be bound in honor and safety to resist; that their patience and endurance, however great, will be exhausted; that the calamity of war will ensue, and that they, in the opinion of the world, will be answerable for all its devastation and misery. Let a regard to the interests of humanity stay the hand of injustice, and my life on it, the gentleman will not find it difficult to dissuade his country from rushing into the bloody scenes of war.

We are next told of the dangers of war. I believe we are all ready to acknowledge its hazards and misfortunes; but I cannot think we have any extraordinary danger to apprehend, at least none to warrant an acquiescence in the injuries we have received. On the contrary, I believe, no war can be less dangerous to the internal peace, or safety

of the country. But we are told of the black population of the Southern States. As far as the gentleman from Virginia speaks of his own personal knowledge, I shall not question the correctness of his statement. I only regret that such is the state of apprehension in his particular part of the country. Of the Southern section, I, too, have some personal knowledge; and can say, that in South Carolina no such fears in any part are felt. But, Sir, admit the gentleman's statement; will a war with Great Britain increase the danger? Will the country be less able to suppress insurrection? Had we any thing to fear from that quarter (which I do not believe), in my opinion, the period of the greatest safety is during a war; unless, indeed, the enemy should make a lodgment in the country. Then the country is most on its guard; our militia the best prepared; and our standing army the greatest. Even in our revolution no attempts at insurrection were made by that portion of our population; and however the gentleman may alarm himself with the disorganizing effects of French principles, I cannot think our ignorant blacks have felt much of their baneful influence. I dare say more than one half of them never heard of the French revolution.

But as great as he regards the danger from our slaves, the gentleman's fears end not there—the standing army is not less terrible to him. Sir, I think a regular force raised for a period of actual hostilities cannot properly be called a standing army. There is a just distinction between such a force, and one raised as a permanent peace establishment. Whatever would be the composition of the latter, I hope the former will consist of some of the best materials of the country. The ardent patriotism of our young men, and the reasonable bounty in land which is proposed to be given, will impel them to join their country's standard and to fight her battles; they will not forget the citizen in the soldier, and in obeying their officers, learn to contemn their government and constitution. In our officers and soldiers we will find patriotism no less pure and ardent than in the

private citizen ; but if they should be depraved as represented, what have we to fear from twenty-five thousand or thirty thousand regulars ? Where will be the boasted militia of the gentleman ? Can one million of militia be overpowered by thirty thousand regulars ? If so, how can we rely on them against a foe invading our country ? Sir, I have no such contemptuous idea of our militia—their untaught bravery is sufficient to crush all foreign and internal attempts on their country's liberties.

But we have not yet come to the end of the chapter of dangers. The gentleman's imagination, so fruitful on this subject, conceives that our constitution is not calculated for war, and that it cannot stand its rude shock. This is rather extraordinary. If true, we must then depend upon the commiseration or contempt of other nations for our existence. The constitution, then, it seems, has failed in an essential object, "to provide for the common defence." No, says the gentleman from Virginia, it is competent for a defensive, but not for an offensive war. It is not necessary for me to expose the error of this opinion. Why make the distinction in this instance ? Will he pretend to say that this is an offensive war ; a war of conquest ? Yes, the gentleman has dared to make this assertion ; and for reasons no less extraordinary than the assertion itself. He says our rights are violated on the ocean, and that these violations affect our shipping, and commercial rights, to which the Canadas have no relation. The doctrine of retaliation has been much abused of late by an unreasonable extension ; we have now to witness a new abuse. The gentleman from Virginia has limited it down to a point. By his rule if you receive a blow on the breast, you dare not return it on the head ; you are obliged to measure and return it on the precise point on which it was received. If you do not proceed with this mathematical accuracy, it ceases to be just self-defence ; it becomes an unprovoked attack.

In speaking of Canada the gentleman from Virginia intro-

duced the name of Montgomery with much feeling and interest. Sir, there is danger in that name to the gentleman's argument. It is sacred to heroism. It is indignant of submission! It calls our memory back to the time of our revolution, to the Congress of '74 and '75. Suppose a member of that day had risen and urged all the arguments which we have heard on this subject; had told that Congress,—your contest is about the right of laying a tax; and that the attempt on Canada had nothing to do with it; that the war would be expensive; that danger and devastation would overspread our country, and that the power of Great Britain was irresistible. With what sentiment, think you, would such doctrines have been then received? Happy for us, they had no force at that period of our country's glory. Had such been then acted on, this hall would never have witnessed a great people convened to deliberate for the general good; a mighty empire, with prouder prospects than any nation the sun ever shone on, would not have risen in the west. No; we would have been base subjected colonies; governed by that imperious rod which Britain holds over her distant provinces.

The gentleman from Virginia attributes the preparation for war to every thing but its true cause. He endeavored to find it in the probable rise in the price of hemp. He represents the people of the Western States as willing to plunge our country into war from such interested and base motives. I will not reason on this point. I see the cause of their ardor, not in such unworthy motives, but in their known patriotism and disinterestedness.

No less mercenary is the reason which he attributes to the Southern States. He says that the Non-Importation Act has reduced cotton to nothing, which has produced a feverish impatience. Sir, I acknowledge the cotton of our plantations is worth but little; but not for the cause assigned by the gentleman from Virginia. The people of that section do not reason as he does; they do not attribute it to

the efforts of their government to maintain the peace and independence of their country. They see, in the low price of their produce, the hand of foreign injustice ; they know well without the market to the continent, the deep and steady current of supply will glut that of Great Britain ; they are not prepared for the colonial state to which again that power is endeavoring to reduce us, and the manly spirit of that section of our country will not submit to be regulated by any foreign power.

The love of France and the hatred of England have also been assigned as the cause of the present measures. France has not done us justice, says the gentleman from Virginia, and how can we, without partiality, resist the aggressions of England. I know, Sir, we have still causes of complaint against France ; but they are of a different character from those against England. She professes now to respect our rights, and there cannot be a reasonable doubt but that the most objectionable parts of her decrees, as far as they respect us, are repealed. We have already formally acknowledged this to be a fact. But I protest against the principle from which his conclusion is drawn. It is a novel doctrine, and nowhere avowed out of this House, that you cannot select your antagonist without being guilty of partiality. Sir, when two invade your rights, you may resist both or either at your pleasure. It is regulated by prudence and not by right. The stale imputation of partiality for France is better calculated for the columns of a newspaper, than for the walls of this House.

The gentleman from Virginia is at a loss to account for what he calls our hatred to England. He asks how can we hate the country of Locke, of Newton, Hampden, and Chatham ; a country having the same language and customs with ourselves, and descending from a common ancestry. Sir, the laws of human affections are steady and uniform. If we have so much to attach us to that country,

potent indeed must be the cause which has overpowered it. Yes, there is a cause strong enough; not in that occult courtly affection which he has supposed to be entertained for France; but it is to be found in continued and unprovoked insult and injury—a cause so manifest, that the gentleman from Virginia had to exert much ingenuity to overlook it. But, the gentleman, in his eager admiration of that country, has not been sufficiently guarded in his argument. Has he reflected on the cause of that admiration? Has he examined the reasons of our high regard for her Chatham? It is his ardent patriotism, the heroic courage of his mind, that could not brook the least insult or injury offered to his country, but thought that her interest and honor ought to be vindicated at every hazard and expense. I hope, when we are called upon to admire, we shall also be asked to imitate. I hope the gentleman does not wish a monopoly of those great virtues for England.

The balance of power has also been introduced, as an argument for submission. England is said to be a barrier against the military despotism of France. There is, Sir, one great error in our legislation. We are ready, it would seem from this argument, to watch over the interests of foreign nations, while we grossly neglect our own immediate concerns. This argument of the balance of power is well calculated for the British Parliament, but not at all suited to the American Congress. Tell the former that they have to contend with a mighty power, and that if they persist in insult and injury to the American people, they will compel them to throw their whole weight into the scale of their enemy. Paint the danger to them, and if they will desist from injuring us, we, I answer for it, will not disturb the balance of power. But it is absurd for us to talk about the balance of power, while they, by their conduct, smile with contempt at what they regard our simple, good-natured vanity. If, however, in the contest, it should be found that

they underrate us—which I hope and believe—and that we can affect the balance of power, it will not be difficult for us to obtain such terms as our rights demand.

I, Sir, will now conclude by adverting to an argument of the gentleman from Virginia, used in debate on a preceding day. He asked, why not declare war immediately? The answer is obvious: because we are not yet prepared. But, says the gentleman, such language as is here held, will provoke Great Britain to commence hostilities. I have no such fears. She knows well that such a course would unite all parties here—a thing which, above all others, she most dreads. Besides, such has been our past conduct, that she will still calculate on our patience and submission, until war is actually commenced.

SPEECH

On the Petition of the Citizens of Albany to repeal the Embargo, delivered in the House of Representatives, May 6th, 1812.

[Note.—On the 4th of April, 1812, a bill, on the recommendation of the President, was passed by Congress, laying an embargo, for sixty days, on all vessels then in port, or thereafter arriving. Soon after its passage, petitions were presented from various parts of the Union for its repeal or modification. Among these, was one from the citizens of Albany, presented by Mr. Bleecker of New-York, praying a repeal of the act. Motions were made to postpone it indefinitely, and to refer it to the Committee on Foreign Relations. On these motions, a debate of considerable interest ensued, involving the whole course of policy recommended by the Executive, and pursued by the majority during the session. The principal speakers for the postponement were, Messrs. Calhoun, Rhea of Tennessee, Johnson of Kentucky, Grundy of Tennessee, and Wright of Maryland. In opposi-

tion, were Messrs. Randolph of Virginia, Bleecker of New-York, and Fisk of Vermont. On the motion to postpone indefinitely, Mr. Calhoun submitted the following remarks.]

Mr. Speaker :—It is not my intention to discuss the merits of the embargo law, or to follow the gentleman from Virginia in that maze of arguments and assertions through which he has thought proper to wander. The House must be wearied, and can receive no additional light on a subject which, through the zeal of some gentlemen in opposition, has been so frequently dragged into discussion. I cannot suppose that our opponents, in their importunity, are governed by an expectation that a change will be made in the opinions of any individual of the majority. This, they must see, is hopeless. The measure has been too recently adopted, and after too much deliberation, to leave to the most sanguine any hope of change. To reply, then, to the arguments of gentlemen on the general merits of the embargo, would be an useless consumption of time, and an unwarranted intrusion on the patience of the House. This, as I have already stated, is not my intention ; but it is my object to vindicate the motion now under discussion from unmerited censure, and to prove that it cannot be justly considered as treating the petitioners with contempt. I am aware that the right to petition this body is guaranteed by the Constitution, and that it is not less our interest than our duty to receive petitions expressed in proper terms, as this is, with respect.

Two propositions have been made relative to the disposition of the petition now before us : one, to refer it to a committee ; the other—that now under consideration—to postpone the further consideration to a day beyond the termination of the embargo. It is contended, not by argument, but assertion, that the former would have been more respectful to the petitioners ; but the reasons have been left to conjecture. I ask, then, why would it be more respect-

ful? Would it present stronger hopes of success, or admit as great latitude of discussion on its merits? Gentlemen know that it would not; they well know, when the House wishes to give the go-by to a petition, it has been usual to adopt the very motion which, in this instance, they advocate. On a motion of reference, debate on the merits is precluded; and, when referred, the committee, where there are no hopes of success, usually allow it to sleep. But, Sir, I ask what is the necessity for referring this petition to a committee? What are the objects of a reference? I conceive them to be two: one to investigate some matter of fact, and the other when a subject is much tangled with detail, to digest and arrange the parts, so the House may more easily comprehend the whole. This body is too large for either of those operations, and therefore a reference is had to smaller ones. In the present case, neither of these furnishes a good reason for the reference asked for. The facts are not denied, and as to detail, there is none; it ends in a point—the repeal of the embargo law—and it has been so argued in opposition. This House is as fully competent to discuss its merits now, as it would be after the report of any committee, and the motion to postpone admits of the greatest latitude of discussion on its merits. This, the speech of the gentleman from Virginia (Mr. Randolph) has proved. He has argued not only on the merits of the petition, but on the embargo, and almost every subject, however remotely connected. I know that the motion is tantamount to that of rejection, in the present instance. In fact, it has been vindicated by the mover on that ground. He has justly said: as we cannot grant the relief prayed for, we ought to act with promptitude and decision, so that the petitioners may know what to expect. This motion has that character; it leaves no expectation where there can be no relief. I know, Sir, we might have acted very differently: we might have spun out the hopes of the petitioners. Some may think that it would be

sound policy ; but, in my opinion, it would be unworthy of this House. Candor, in our government, is one of the first of political virtues. Let us always do directly, what we intend shall finally be done.

Since there can be no objection to the motion now before the House, it remains to be considered whether the relief prayed for ought to be granted. I am sensible that the maxim is generally correct, that individual profit is national gain ; and that the party interested is the best judge of the hazard and propriety of a speculation. But there are exceptions ; there are cases in which the government is the best judge ; and such are those where the future conduct of government is the cause of the hazard. It certainly is the best judge of what it intends ; and, in those cases, where it foresees a hazard, it ought, in humanity to the party interested, to restrain speculations. Such is the present case. Many of our merchants labor under a delusion as to the measures of government : nor can this seem strange, since some gentlemen, even in this House, have taken up such mistaken views of things. With such conceptions of the course of events, as the gentleman from New-York (Mr. Bleecker) entertains, I am not surprised that he should advocate the prayer of the petition. He believes that the embargo will be permitted to expire without any hostile measure being taken against Great Britain ; and that, in the present state of our preparations, it would be madness to think of war in sixty days, or any short period. When I hear such language on this floor, I no longer wonder that merchants are petitioning you to aid them in making speculations, which in a short time must end in their ruin. I ask the gentleman from New-York, who are the true friends to the petitioners—the majority who, foreseeing the hazard to which they would be exposed, restrain them from falling into the hands of British cruisers,—or the minority, who, by suppressing the evidences of danger, induce them to enter into the most ruinous speculations ?

By the one, the merchants still retain their property, depreciated, it is true, in a small degree ; by the other, it will be lost to themselves and their country, and will go to augment the resources of our enemy. For, Sir, let me assure the gentleman that he makes a very erroneous estimate of our preparations, and of the time at which we will act. Our army and measures are not merely on paper, as he states. And were this the proper time and subject, it could be shown that very considerable advances have been made to put the country into a posture of defence, and to prepare our forces for an attack on our enemy. We will not, I hope, wait the expiration of the embargo to take our stand against England—that stand which the best interests and honor of this country have so loudly demanded. With such a prospect, I again ask, would it be humanity or cruelty to the petitioners to grant their prayer, and, by relaxing the embargo in their favor, to entice them to certain destruction ?

The gentleman from Virginia (Mr. Randolph) stated,—to induce us to repeal the embargo law, and to make it odious, I suppose, with the community,—that it operated less severely on the merchant than on the farmer and miller. He did not prove very distinctly how this unequal pressure was produced. But I understood him to say, that eastern vessels could be had with so much facility to make shipments to any European port, and that flour had risen so much already in consequence of the embargo, that the rise in price nearly compensated for the additional risk and costs of exportation. I observe the gentleman shakes his head in disapprobation of the statement. I suppose I misunderstood him. However, I could not mistake the conclusion which he drew,—that the merchants, by eluding the embargo, had prevented the depreciation of the price of wheat and flour on hand. This, Sir, is sufficient for my purpose. The gentleman from Virginia must know that, from the character of trade, the profit of such trade, if it really exists, cannot be confined to

the merchant. It would soon raise the price of breadstuffs in the hands of the other classes of the community, and would prove that his statement of the distressed condition of the millers and farmers cannot be correct.

In his zeal against the embargo, the gentleman from Virginia says, it was engendered between the Committee on Foreign Relations and the Executive. Engendered! The gentleman must be sensible of the impropriety of such language, as applied to the Executive, or a Committee of this House. No, Sir, it was not engendered, but adopted by both the Executive and committee, from its manifest propriety as a prelude to war. There is no man in his reason, and uninfluenced by party feelings, but must acknowledge that a war, in this country, ought, almost invariably, to be preceded by an embargo. The very persons most loud against that measure, would be the most clamorous had it not preceded the war. There has been, Sir, much false statement in relation to the embargo. I remember, when it was under discussion on a former occasion, that a gentleman then observed, he had certain information that the French minister had been importuning our government to stop the exportation of breadstuffs to the Peninsula. I know not whether he intended to insinuate this as one of the causes of the embargo. Be it as it may, I assert, from the highest authority, that no such application has ever been made, directly or indirectly, on the part of the French government. The statement was of such a nature as induced me to inquire into its correctness; and the result is such as I have declared. I can scarcely suppose, that the gentleman intended to convey the idea that French influence had any thing to do with the measure. He must know that the Executive, as well as a majority of this body, would resist, with the greatest indignation, any attempt to influence the measures of government. But such has been the use made of it by certain prints, either from the manner in which it was connected in

debate with the embargo, or the very imperfect and unfair reports of the secret proceedings of Congress.

One would suppose, from the language of the gentleman from Virginia, that he was much in the secrets of government. He says, the plan now is, to disband the army and carry on a predatory war on the ocean. I can assure him, if such is the plan, I am wholly ignorant of it; and that, should it be proposed, it will not meet with my approbation. I am decidedly of opinion that the best interests of the country will be consulted by calling out the whole force of the community to protect its rights. Should this course fail, the next best would be to submit to our enemy with as good a grace as possible. Let us not provoke where we cannot resist. The mongrel state—neither war nor peace—is much the worst.

The gentleman from Virginia has told us much of the signs of the times. I had hoped, that the age of superstition was past, and that no attempt would be made to influence the measures of government,—which ought to be founded in wisdom and policy,—by the vague, I may say, superstitious feelings of any man, whatever may be the physical appearances which may have given birth to them. Are we to renounce our reason? Must we turn from the path of justice and experience, because a comet has made its appearance in our system, or the moon has passed between the sun and the earth? If so, the signs of the times are bad indeed. It would mark a fearful retrograde in civilization—it would show a dreadful declension towards barbarism. Sir, if we must examine the auspices; if we must inspect the entrails of the times, I would pronounce the omens good. It is from moral, and not from brutal or physical omens, that we ought to judge; and what more favorable could we desire than that the country is, at last, roused from its lethargy, and that it has determined to vindicate its interest and honor. On the contrary, a nation so sunk in avarice, and so corrupt-

ed by faction, as to be insensible to the greatest injuries, and lost to all sense of its independence, would be a sight more portentous than comets, earthquakes, eclipses, or the whole catalogue of omens, which I have heard the gentleman from Virginia enumerate. I assert, and gentlemen know it, if we submit to the pretensions of England, now openly avowed, the independence of this country is lost—we will be, as to our commerce, re-colonized. This is the second struggle for our liberty; and if we but do justice to ourselves, it will be no less glorious and successful than the first. Let us but exert ourselves, and we must meet with the prospering smile of Heaven. Sir, I assert it with confidence, a war, just and necessary in its origin, wisely and vigorously carried on, and honorably terminated, would establish the integrity and prosperity of our country for centuries.

SPEECH

On the proposition to repeal the Non-Importation Act, delivered in the House of Representatives, June 24th, 1812.

[Note.—On June 23d, 1812, immediately after the Declaration of War, Mr. Cheves, Chairman of the Committee of Ways and Means, reported a Bill, "Partially to suspend, for a limited time, the several acts prohibiting importations from Great Britain, her dominions, colonies, and dependencies; and of the produce and manufactures thereof:" which was read, and referred to the Committee of the Whole on the state of the Union.

Mr. Richardson of Massachusetts moved to amend the first section, by striking out all the words after the enacting clause, and inserting others proposing a total repeal of the whole restrictive system, as being no longer applicable to the existing state of the

country. This proposition was negatived by a vote of 69 to 53, when Mr. Williams of South Carolina moved to strike out the first section of the Bill, without proposing to insert. Mr. Johnson opposed, and Mr. Macon supported the motion; when the committee rose, reported progress, and asked leave to sit again; which the House refused to grant. Mr. Richardson then renewed his motion to amend; and Mr. Williams moved an indefinite postponement of the Bill. This latter motion was lost by the same vote, and the House adjourned.

June 24.—The House resumed the consideration of the Bill—Mr. Richardson's proposition being under consideration. It was supported by Messrs. Pearson, Widgery, and Calhoun, and opposed by Mr. Wright of Maryland, and finally negatived—Ayes, 58; Noes, 61.

On the failure of Mr. Richardson's proposition, Mr. Goldsborough moved to amend the Bill, so as to permit the importation of all goods not owned by British subjects. This was lost by a vote of 59 to 60. Mr. McKim then moved to postpone the Bill to 1st of February, 1813 (a virtual rejection), and the motion prevailed. Mr. Richardson, however, on the day following, offered a resolution for the appointment of a Select Committee to bring in a Bill to repeal the Non-Importation Act; which, after a warm debate, was lost by the casting vote of the speaker, Mr. Clay.]

Mr. Speaker :—I am in favor of the amendment proposed by the gentleman from Massachusetts (Mr. Richardson); and, as I differ from many of my friends on the subject, I feel it a duty to present the reasons that will govern my vote. But, before I proceed to discuss the question, I wish it to be distinctly understood that, to avoid taxes, forms no part of my inducement to advocate the proposed repeal. I am ready to meet them. We are at war. It is wisdom to make it efficient; and that system will meet with my hearty support which renders it the most so, be it more or less burthensome. I fear not the effect of taxes on the public mind. The people will support any taxes short of oppression. Sir, I am not disposed to deny that the Non-Importation Act has a very sensible effect on the resources of the enemy; and am willing to admit, that restrictions on

commerce, as a means of annoyance, ought not to be neglected. I cannot, however, agree with the gentlemen who oppose this amendment, that a repeal of this act would leave the trade with Great Britain unembarrassed, or would afford a great relief to her manufacturers. A state of war is itself a severe restriction on commerce. The new and circuitous channel through which trade is compelled to flow; the additional hazard and expenses incident to that state; and the double duties proposed to be laid on imports, present very serious impediments—equal, or nearly so, to the Non-Importation Act itself. If, Sir, in some parts of this country, English goods can now be had at 60 per cent. on the invoice price,—as I have been informed by some commercial gentlemen,—by repealing this act you will produce no relaxation; for the expense and hazard of introduction will, at least, equal that per cent. By the repeal, the price of such goods will not sink; the consumption will not be increased; nor will the manufacturer be relieved. We are in the habit of thinking that prohibition in law is prohibition in fact. It is a great mistake, which I daily see contradicted in our merchants' shops, lined with English manufactures. So far from entirely preventing their introduction, I believe that to prohibit is not the most effectual mode to exclude them. I venture the assertion with confidence, that duties are, at least, equally effectual. The greatest commercial pressure that can be obtained, I believe, will be found in duties as high as the articles introduced can bear, that is, as high as possible without smuggling. Goods can be introduced cheaper (of course more abundantly and with a greater consumption) under the Non-Importation Act by smuggling, than under such duties. It is a fact of importance, that smuggling is more easy under the former than the latter system; and, consequently, can be carried on at a less cost. I beg the attention of the House while I establish this point. The hazard of smuggling depends on the laws against it,—

their rigid execution,—the public sentiment, and the interests of the mercantile class to permit it. I begin with the last, for it is the most important, as it controls the others. Where duties are not so high as to drive the honest trader from the market, the merchants, as a body, have an interest to prevent smuggling. Goods, so introduced, not only defraud the revenue, but the honest and regular trader. The higher the duty, the more powerful this principle ; and in this country, where there is not much competition between many articles of foreign supply and of domestic manufacture, the duties may be made very high. In this state of things every honest merchant becomes a vigilant custom-house officer, stimulated by a sense of interest. It was this principle which made smuggling unknown to your laws, previous to the commencement of the restrictive system. It was not the number, or vigilance of your officers. They bore no proportion to the extent of your coast. But it was hard to smuggle, where every merchant considered each bale of goods, or cask of wine, so introduced, as so much loss to his profit. Very different is the effect of entire prohibition. I cannot speak of it more concisely or justly than to say, it is the reverse. Under it, the honest trader of necessity disappears. The desperate adventurer supplies his place. Commerce ceases to be a trade—a business of fair and regular gain ; it becomes a matter of hazard and adventure. The whole class concerned in carrying it on have one common interest—to discover flaws in your revenue laws, or elude their operation ; to lull the vigilance of your custom-house officers, or corrupt their integrity. Smuggling ceases to be odious. It is no longer the occupation of an insulated individual, who carefully conceals from all the world his violation of the laws. No, it becomes the business of a society, of an entire class of men, who make a jest of fraud, and consider ingenuity, in this lawless occupation, as the highest honor. The corruption ends not here ; its infectious influence spreads and con-

taminates public opinion. But, Sir, under the operation of heavy duties only, it is reversed. Interest, it is true, controls opinion in this, as well as in the other cases, but it produces the opposite effect. Here the smuggler is ranked with the thief, or with that description of men, who, in violation of the law, live on the honest gains of others. From the merchant, the rest of the community takes the impression, and the smuggler becomes universally odious. Interest has wonderful control over sentiment. Even the more refined and elevated—the moral and religious sentiment—may be considered as ultimately resting on it; not, it is true, on that of any one individual, or class of men, but on the enlarged interest of our kind. Correspondent to public sentiment will be the laws, or, what is of more importance, their execution. In all free governments the laws, or their execution, cannot be much above the tone of public opinion. Under the restrictive system, the laws are either cried down for oppression, or are not executed. Under the operation of duties only, the merchant himself demands severe laws, and aids in their rigid execution. He is a party concerned with his country, and has a common interest with government. He sees in the laws a friend and protector, and not an oppressor.

Sir, I think the conclusion is strong, that you cannot extend your commercial pressure on the enemy, beyond, or at least much beyond, the operation of high duties. It seems to me to be the ultimate point; and, if it is a fact that the double duties are as high as can be borne (of which I pretend not to have certain knowledge), then, the continuation of the Non-Importation Act will not give much additional pressure. The repeal, so far from relieving the English manufacturer, will be scarcely felt in that country. It is by no means like a repeal in peace, and, without additional burthens, would be unfelt.

But, Sir, I may be asked, Why change, why repeal the

Non-Importation Act ? If it does not produce any good, it will not much harm. As it regards our enemy, I readily admit there is not much reason for its repeal or continuation, I feel not much solicitude on that point. But, Sir, as it regards ourselves, the two systems are essentially different. In the one, the whole gain is profit to the adventurer and smuggler. The honest dealer is driven out of employment, and government is defrauded of its revenue. In the other, an honest and useful class of citizens is maintained in comfort and ease, and the treasury enriched. Even suppose the difference in the pressure on the enemy to be considerable, yet these incidental advantages ought not to be disregarded. I would not give up for revenue what I suppose to be a good system ; but when the effects of two measures are nearly equal in other respects, I would not overlook the exchequer. It is there, after all, we will find the funds, the sinews of war. I know the zeal and resources of the country are great ; but we have not been in the habit of paying taxes ; we have no system of internal revenue ; and the nature of the country, and the conflict between the States and general government, render it difficult, I may say impossible, to originate one that will not excite discontent. The measure I advocate will yield you more additional revenue than the whole of the internal taxes ; and this on goods which would be introduced in spite of your laws. Consider the relief it would afford you. The internal taxes might, in a great measure, be dispensed with ; or, if we choose to give it to our gallant little navy, the millions thus gained from commerce, would add to it considerable strength. Bestowed on our army, it would be better appointed, and enabled to act with greater vigor and promptitude. Or, if you choose a different destination, you might keep down the increasing volume of public debt ; a thing that ought so nearly to interest each one of us. The sum of my opinion then is, that a repeal of the Non-Importation Act will not,

under existing circumstances, afford much relief to the distresses of England; and that a commercial pressure, equally sure and as entire prohibition, and far more salutary for this country, may be produced by the operation of heavy duties. There are many who are ready to acknowledge the truth of this opinion, but fear that the effect on the public mind both here and in England would be unfortunate. They dread a change. But I will not admit, that the repeal would be a material change. Our fixed determination is to resist England. Can war, can all the impediments to trade incidental to that state, be considered a change, a yielding? No, if they imply a change, it is a wise one—one advancing from a lower to a higher degree of resistance. We need not fear any evil effect on public opinion. If there should be any, it will be but momentary. Our duty is, to pursue the wisest and the most efficient measures;—it is the duty of the people to understand their character—to condemn the pernicious, and to approve the wise. This they will finally do. Delusion cannot long exist. As to the impression on our enemy, he will not find much relief to his starving manufacturers in a war with this country. He will understand the impediments in the way of commerce,—and they present but little to encourage his hopes.

But, Sir, I condemn this mode of legislating, which does not adopt or reject measures because in themselves good or bad, but because of some supposed effect they may produce on the opinion of our enemy. In all games it is hazardous to play on the supposed ignorance of your opponent. In a few instances, it may succeed; but, in most, he sees your intention and turns it against yourself.

Sir, I am in hopes, if the measure I advocate should succeed, it will tend to produce harmony at home. It will go far to reconcile the mercantile class. Your restrictive measures have become odious to them; and though they may not approve the war, yet they cannot but respect the

motives which dictated it. The merchants, I hope, will come to reflect that this is the favorable moment to assert their rights. The single fact that the parts of the country most remote from the ocean and least connected with commerce have entered into this contest for commercial rights with an ardor and disinterestedness which does them the greatest honor, proves it to be, of all others the most auspicious moment. It more than counterbalances all want of preparation. For it is more easy to prepare for war than to obtain union ; and the former is not more necessary to victory than the latter. I now tell the commercial gentlemen, if their rights are not protected, theirs is the fault. With hearty co-operation on their part, victory is certain.

It now remains for me to touch on another and far more interesting topic ; one which, I confess, has the principal weight in the formation of my opinions on this subject. The restrictive system, as a mode of resistance, and a means of obtaining a redress of our wrongs, has never been a favorite one with me. I wish not to censure the motives which dictated it, or to attribute weakness to those who first resorted to it for a restoration of our rights. Though I do not think the embargo a wise measure, yet I am far from thinking it a pusillanimous one. To lock up the whole commerce of this country ; to say to the most trading and exporting people in the world, " You shall not trade ;—You shall not export ;"—to break in upon the schemes of almost every man in society, is far from weakness, very far from pusillanimity. Sir, I confess while I disapprove this more than any other measure, it proves the strength of your government and the patriotism of the people. The arm of despotism, under similar circumstances, could not have coerced its execution more effectually, than the patience and zeal of the people. But, I object to the restrictive system ; and for the following reasons :—Because it does not suit the genius of our people,—or that of our govern-

ment,—or the geographical character of the country. We are a people essentially active. I may say we are pre-eminently so. Distance and difficulties are less to us than any people on earth. Our schemes and prospects extend every where and to every thing. No passive system can suit such a people ;—in action superior to all others ;—in patience and endurance inferior to many. Nor does it suit the genius of our institutions. Our government is founded on freedom and hates coercion. To make the restrictive system effectual, requires the most arbitrary laws. England, with the severest penal statutes, has not been able to exclude prohibited articles ; and even Bonaparte, with all his power and vigilance, was obliged to resort to the most barbarous laws to enforce his continental system. Burning has furnished the only effectual remedy. The peculiar geography of our country, added to the freedom of its government, greatly increases the difficulty. With so great an extent of sea-coast ; with so many rivers, bays, harbors and inlets ; with neighboring English provinces, which stretch for so great an extent along one of our frontiers, it is impossible to prevent smuggling to a large amount.

Besides, there are other and strong objections to this system. It renders government odious. People are not in the habit of looking back beyond immediate causes. The farmer, who inquires why he cannot get more for his produce, is told that it is owing to the embargo, or to commercial restrictions. In this he sees only the hands of his own government. He does not look to those acts of violence and injustice, which this system is intended to counteract. His censures fall on his government. To its measures he attributes the cause of his embarrassment, and in their removal he expects his relief. This is an unhappy state of the public mind ; and even, I might with truth say, in a government resting essentially on opinion, a dangerous one. In war it is different. The privation, it is true, may be equal, or

greater ; but the public mind, under the strong impulses of such a state, becomes steeled against sufferings. The difference is great between the passive and active state of mind. Tie down a hero, and he feels the puncture of a pin ; but, throw him into battle, and he is scarcely sensible of vital gashes. So in war. Impelled, alternately, by hope and fear ; stimulated by revenge ; depressed with shame, or elevated by victory,—the people become invincible. No privations can shake their fortitude ; no calamity can break their spirit. Even where equally successful, the contrast is striking. War and restriction may leave the country equally exhausted ; but the latter not only leaves you poor,—but, even when successful, dispirited, divided, discontented, with diminished patriotism, and the manners of a considerable portion of your people corrupted. Not so in war. In that state the common danger unites all ; strengthens the bonds of society, and feeds the flame of patriotism. The national character acquires energy. In exchange for the expenses of war you obtain military and naval skill, and a more perfect organization of such parts of your government as are connected with the science of national defence. You also obtain the habits of freely advancing your purse and strength in the common cause. Sir, are these advantages to be counted as trifles in the present state of the world ? Can they be measured by a moneyed valuation ?

But, it may be asked, why not unite war and restriction, and thus call the whole energy of the country into action ? It is true there is nothing impossible in such an union ; but it is equally true, that what is gained to the latter is lost to the former ; and, Sir, the reverse is also true,—that what is lost to restrictions is gained to the war. My objections to restrictions without war, equally hold against them in conjunction with it. Sir, I would prefer a single victory over the enemy, by sea or land, to all the good we shall ever derive from the continuation of the Non-Importation Act.

I know not that it would produce an equal pressure on the enemy; but I am certain of what is of greater consequence, —it would be accompanied with more salutary effects on ourselves. The memory of a Saratoga or Eutaw is immortal. It is there you will find the country's boast and pride: the inexhaustible source of great and heroic actions. But what will history say of restrictions? What examples worthy of imitation will it furnish posterity? What pride, what pleasure will our children find in the events of such times? Let me not be considered as romantic. This nation ought to be taught to rely on its own courage, its fortitude, its skill, and virtue, for protection. These are the only safeguards in the hour of danger. Man was endowed with these great qualities for his defence. There is nothing about him that indicates that he must conquer by enduring. He is not incrusted in a shell; he is not taught to rely on his insensibility, his passive suffering, for defence. No, no; it is on the invincible mind; on a magnanimous nature, that he ought to rely. Herein lies the superiority of our kind; it is these that make man the lord of the world. It is the destiny of our condition, that nations should rise above nations, as they are endued, in a greater degree, with these shining qualities. Sir, it is often repeated, that if the Non-Importation Act is continued, we shall have a speedy peace. I believe it not. I fear the delusive hope. It will debilitate the springs of war. It is for this reason, in part, that I wish it repealed. It is the fountain of fallacious expectations. I have frequently heard another remark, with no small mortification, from some of those who have supported the war; viz., that it is only by restrictions we can seriously affect our enemies. Why then declare war? Is it to be an appendage only of the Non-Importation Act? If so, I disclaim it. It is an alarming idea to be in a state of war, and not to rely on our courage or energy, but on a measure of peace. If the Non-Importation Act is our chief reliance, it will soon

direct our council. Let us strike away this false hope; let us call out the resources of the country for its protection. England will soon find that seven millions of freemen, with every material of war in abundance, are not to be despised with impunity. I would be full of hope if I saw our sole reliance placed on the vigorous prosecution of the war. But if we are to paralyze it; if we are to trust, in the moment of danger, to the operation of a system of peace, I greatly fear. If such is to be our course, I see not that we have bettered our condition. We have had a peace like a war. In the name of Heaven, let us not have the only thing that is worse—a war like a peace. I trust my fears will not be realized.

SPEECH

On the Report of the Committee of Ways and Means, in reference to Merchants' Bonds, delivered in the House of Representatives, Dec. 4th, 1812.

[Note.—This speech so fully explains the circumstances under which it was delivered, as to make a note unnecessary. It will suffice to say, for the satisfaction of the reader, that the Committee of the Whole refused to agree to the Report of the Committee of Ways and Means, by a vote of 52 to 49: and that, subsequently (Dec. 15th, 1812), a Bill was passed by the Senate, *directing* the Secretary of the Treasury to remit the forfeitures incurred by the merchants,—which, after considerable opposition, was finally agreed to by the House—Yeas, 64; Nays, 61.]

Mr. Chairman:—The subject now under discussion was first brought to the notice of Congress, by the following paragraph in the President's Message at the commencement of the present session:

"A considerable number of American vessels, which were in England when the revocation of the Orders in Council took place, were laden with British manufactures under an erroneous impression that the Non-Importation Act would immediately cease to operate, and have arrived in the United States. It did not appear proper to exercise on unforeseen cases of such magnitude, the ordinary power vested in the Treasury Department, to mitigate forfeitures, without previously affording to Congress an opportunity of making, on the subject, such provision as they may think proper. In their decision they will doubtless equally consult what is due to equitable considerations and the public interest."

So much of the message as has been just read, was referred to the Committee of Ways and Means. Their report constitutes the subject of present deliberation, the material part of which is as follows:

"On a view of the whole subject, the committee are of opinion that the Secretary of the Treasury has full power to remit or mitigate the penalties and forfeitures incurred, should an interposition, in either way, be called for by the circumstances of the case; and, therefore, recommend that it be

"*Resolved*, That it is inexpedient to legislate upon the subject, and that the petitions with the accompanying documents be referred to the Secretary of the Treasury."

My object in presenting to the view of this committee the President's Message and the Report, is, to call their attention to a total want of accordance between them. It is almost an abuse of language to call it a report. A report ought to comprehend the subject of reference, and be, to it, as a conclusion is to its premises. On reading the report only, the natural conclusion would be, that we were consulted as lawyers, and not as statesmen; that the point of doubt, in the Executive mind, turned on the construction of our acts, and not on what justice, humanity, and sound policy demand. The report informs us, that the Secretary of the

Treasury has power to remit or mitigate the penalties incurred; and, from this fact, it draws that negative proposition on which we are now deliberating. It is not a little curious to observe how formally and fully the committee have decided on this power of the Treasury Department,—doubted neither by the President nor Secretary,—nor, indeed, by any one;—while they overlook those interesting considerations, towards which the Executive has directed the attention of Congress, viz.:—"*What is due to equitable considerations and to the public interest,*" in relation to "*unforeseen cases of such magnitude.*" They are, in truth, cases of magnitude. Twenty millions of property await your decision;—a sum equal nearly to half of the annual exports of this country;—and quite equal to the entire export, in the best years, of the whole country between Washington and New Orleans. It is difficult to realize magnitude when expressed in numbers only. To form a just conception, we must aggregate the whole annual products of cotton, rice and tobacco, with a large proportion of the breadstuffs of this country. I would be happy to know on what principle of policy or reason so large an amount is to be left to the decision of any individual. Is more wisdom, more virtue, or public confidence to be found in the Treasury Department, than in the assembled representatives of the Union? What constitutes a feature in this report, still more extraordinary and objectionable, is, the apparent understanding between the committee and the Treasury Department. They coyly refuse to recommend any positive act of legislation; while they, indirectly, intimate what they wish and expect the Secretary of the Treasury to do;—or, in other words, we are called on, really and virtually, to legislate; while, at the same time, we are informed that it is improper for us so to do. For, among the documents reported by the Committee of Ways and Means, as forming the basis of their opinion, is a letter of the Secretary of the

Treasury of the 23d of November, which contains the following paragraph:

"Upon the whole, I continue in the opinion, submitted with great deference to the committee,—that one-half of the forfeitures which would otherwise fall to the collectors, ought to be remitted; but that, with respect to the one-half belonging to the United States, justice to the community requires, that, when remitted, at least an equivalent may be secured to the public for the extra profit beyond that on common importations, which arises from the continuation of the Non-Importation Act."

Here, Sir, the opinion of the Secretary is explicitly stated relative to these *unforeseen cases of such magnitude*, and the conclusion is irresistible, that the committee, in referring them to his decision, must have known and approved of it.

The true question, then, before the committee, is not to be found in that negative resolution reported by the Committee of Ways and Means,—that it is inexpedient to legislate on these cases,—but in that part of the letter of the Secretary of the Treasury which I have just read. Yes, Sir; we are now deliberating, in effect, on the proposition whether it is proper to exact of the merchants their extra profit; and whether, in such case, this ought to be done through the agency of the Treasury Department. I presume the truth of this opinion will not be controverted; should it be, however, ample proof will be found in almost every sentence of the report of the speeches of the gentlemen in support of it. They are literally compounded of laborious investigations to ascertain the extra profit of the merchants on their late importations.

Now, Sir,—without pretending to controvert the policy of taking extra profit,—I assert that it cannot be legally effected through the Secretary of the Treasury. It exceeds his powers. The Non-Importation Act, under which the forfeitures accrued, refers to the Act of 1797 to ascertain the

powers of the Secretary in relation to cases of this kind. On reference to that act, his power will be found to be strictly a mitigating and remitting power, and has for its object the remedy of an imperfection incidental to all human laws. The best worded act must comprehend many cases within the letter, that are not within its spirit or intention. In every well regulated government, an equity exists somewhere to remedy this defect—to mitigate the rigor of the law. The act of '97, for greater security of the revenue, vests this power, in relation to our revenue laws, in the head of the Treasury Department. The real object of those laws is, to punish only the negligent or wilful violators; but, like other penal acts, they are couched in general terms, and comprehend those who by necessity or ignorance violate them. That the Treasury might be secured, and the law, at the same time, administered in its spirit and intention only, and not in its letter merely, this power was delegated to the Secretary of the Treasury. To establish the correctness of this exposition, I will read the Act of '97.

[Here Mr. C. read the Act.]

Now, Sir, though I admit, with the report, "that the Secretary of the Treasury has power to mitigate or remit," I do most unequivocally deny, that he has legal power to effect what is proposed to be done by the committee;—viz.:—to levy the extra profit. The two powers are essentially different. The one is of a judicial and equitable character, and has for its object guilt or innocence;—the other that of assessment or taxation, and has for its object, not guilt or innocence, but profit. The latter is strictly a moneyed transaction; the former relates to the administration of the penal laws of the country. The one is fully and faithfully administered, when due regard is had to all the circumstances as they constitute guilt or innocence, and the law applied accordingly;—the other, when a proper and correct estimate

is made of the actual profits of trade, compared with those on the late importations, and the difference only levied.

The power of the Secretary, under the Act of '97, is not arbitrary ;—to be exercised or not according to his pleasure ; but he is bound to exercise it according to the rules of a sound discretion. If guilt appear, he cannot arrest the law ; if innocence, he cannot apply it. The effects of the two powers strangely mark their contrariety. When circumstances of guilt or innocence only, govern the Treasury in the exercise of this power, the consequence is, love and reverence for the laws ;—but if they are disregarded, and the profits of the merchants only considered, in the place of such sentiments, there will be disgust and hatred. You may, indeed, have a full treasury, but you will find empty affections. More need not be said, I hope, to prove that the extra profits cannot be taken from the merchants, under the power of the Treasury Department to mitigate or remit forfeitures. If it be essentially a *taxing* power, it not only has not been delegated to the Secretary of the Treasury by the Act of '97, but cannot be by any act of ours. It is a power which the constitution has sacredly deposited in Congress. It is incommunicable. I am aware, that the extra profit may be taken under the semblance of the mitigating power ;—that the forfeiture may be made subject to its operation. But this cannot change the nature of the transaction. The question will still be,—Is it a moneyed transaction, or a fair administration of the penal laws of the country ? Is the object profit, or the execution of the laws ? The circumstances of the case will readily decide its character. Profit and justice are not easily confounded. It is not an unusual thing for power to assume a guise ; and even to appear to be the very opposite of what it really is. I impute no blame to the Committee of Ways and Means. They have overlooked the character of the power which they wish the Secretary of the Treasury to exercise. It is an act of inadvertence ; but not the less, on that account, to be re-

sisted. Precedent is a dangerous thing; and it is not unusual for executive power, unknown even to those who exercise it, to make encroachments of this kind. What has been the end of all free governments, but open force, or the gradual undermining of the legislative by the executive power? The peculiar construction of ours by no means exempts it from this evil; but, on the contrary, were it not for the habits of the people, would naturally tend that way. The operation of this government is an interesting problem. I wish to see the whole in full possession of its primitive power, but all of the parts confined to their respective spheres. These, Sir, are my reasons for rejecting the report of the committee. I know, it will be said, that it is much easier to censure than to advise—to reject the report, than to point out what ought to be done. I am ready to acknowledge it, and to confess, that I have felt much solicitude and difficulty on this subject. But the view which the committee has presented, has constituted no part of my embarrassment. I am entirely averse to taking any part of the extra profit, whether through the agency of the Treasury Department, or of this House.

If our merchants are innocent, they are welcome to their good fortune; if guilty, I scorn to participate in their profits. I will never consent to make our penal code the basis of our Ways and Means, or to establish a partnership between the Treasury and the violators of the Non-Importation Act. The necessity of causing our restrictive system to be respected, while in existence, and the difficulty of applying its penalties to "*cases of such magnitude*," constitute my embarrassment. On the one hand, if the law should be rigidly enforced, thousands will be involved in ruin; on the other, if an act of grace should be done, your restrictive system will be endangered. Had the conduct of the merchants been dictated by any open contempt of the laws, or had it been entirely free from blame, our course would have been plain.

No one would have hesitated, in the one case, to have let the vengeance of the law fall on the guilty; or, in the other, to extend its protection to the innocent. I am ready to acknowledge that the importers were not sufficiently circumspect and guarded. The nature of the restrictive system, the posture of affairs, the decision of this House on a motion to repeal the Non-Importation Act, ought to have put them on their guard. Candor also compels me to state, that I cannot admit any arguments on this question to prove the impolicy of the Non-Importation Act, or the advantages to the community from the late importations. I can never admit, as an apology for the violation of the law, what was considered as an insufficient reason for its suspension. Neither can I doubt that even the worst of laws ought to be respected, while they remain laws. But, Sir, the difficulty on the other side appears to me more formidable. An indiscriminate forfeiture would not, I fear, be considered as punishment. It would be thought oppression. Punishment, by the infliction of a partial evil, proposes to avoid a greater —by making some the subjects of its pains, to make all the subjects of its terrors. The culprits, in this case, are too numerous for example; particularly as the infraction of the law is of a doubtful character. This is by no means an unusual case; numbers have often brought impunity. It is so in the worst of crimes, even in treason, where, in some instances, a considerable portion of the community is involved. Some gentlemen who have felt this embarrassment, have proposed to distinguish for punishment the head and leaders of this infraction of the law. My friend from Kentucky (the Speaker) has designated two classes to be favored—the purchasers of British goods before the 2d of February, 1811, and the shippers before the first of August last; that is, before the declaration of war had reached England. The first class is to be favored, from a supposed innocence of purchase; the other, from innocence of shipments. It is not

necessary to prove the error of the discrimination. If true, it does not extend as far as it ought to do. For, if innocence of purchase is a sufficient reason for exemption, how can we condemn the goods purchased before the first of August? If shipments might be made before that period, surely purchases might; and if the last, then, according to the distinction in favor of purchases before the 2d of February, they also ought to be exempted from the forfeitures. The cases, then, are too uniform for discrimination, and nothing remains but to condemn or acquit the whole. I feel myself compelled to yield to the magnitude of the case. I cannot find it in me to reduce thousands to beggary by a single stroke, nor do I suppose there is one in this House in favor of so stern a policy. I am ready to acknowledge that an act of grace will weaken the non-importation law; but this is a less evil than the alienation of the whole mercantile class. It is left us to regret, that the wise foresight of my two honorable friends and colleagues was not adopted at the last session. It was then proposed to suspend the law for the introduction of this very property; but the proposition was borne down by the clamor of the day. Had that been done, we would not have been reduced to our present state. Our laws would have been saved, and our merchants contented.

A subject not necessarily involved in that under discussion, has been introduced by those who have preceded me in the debate. In imitation of the example, I will be excused, I hope, in offering my sentiments on the restrictive system. It is known that I have not been a friend to that system to the extent to which it has been carried. My objection, however, is neither against the inequality nor the greatness of its pressure. It is the duty of every section to bear whatever the general interest may demand; and I, Sir, am proud in representing a people pre-eminent in the exercise of this virtue. Carolina makes no complaint about the

difficulties of the times. If she feel embarrassments, she turns her indignation not against her own government, but against the common enemy. She makes no comparative estimate of her sufferings with those of the other States. She would be proud to stand pre-eminent in suffering, if, by this, the general good could be promoted ; and she, this day, presents the noble spectacle of a people acquiring increased union and energy from the force of the pressure ; and, so far from growing tired of the restrictive system, or war, as intimated by the gentleman from Kentucky, she would willingly bear a superadded embargo, if the public interest should demand it. But, Sir, my objections are of a general and national character. Your character, your government and country, forbid a resort to this system for a redress of wrongs. It requires a sternness of execution approaching despotism. It first offers a vast premium for its violation, and then has to combat with the spirit of speculation, the cupidity and capital of the mercantile classes. To render its execution perfect, you must not only remove the inducement, but arrest speculations, particularly those which are founded on the probable course of political events. The subject before us is in point ; and you will, from the same causes, be involved in this very dilemma annually ; nay, more frequently, should the treasury participate in the profits. To render your system perfect, you must imitate its successful execution in another country. Bonaparte is the only man who has a perfect knowledge of its genius. Burning and confiscation are the only effectual securities. A partial execution involves the most pernicious consequences. The conclusion is irresistible. The system does not suit you. You are too enterprising, too free, and your coast too extended, with too many indentations of rivers, bays, and harbors. The effects of a few years' operation will change your mercantile character. In such a state of things, the honest merchant must retire. He cannot live ; but his place will not be unoccu-

pied. The desperate adventurer and the smuggler will succeed him. Unaided by the virtue of the citizen, no law, however severe its sanctions, will be able to stem the torrent. There is, indeed, one species of restriction, which, in a British war, ought never to be neglected. Whatever pressure can be produced on her manufacturing and commercial interests, through heavy duties, ought to be effected. The reason is obvious: it is both restriction and revenue. So much of the capital of this country is turned towards foreign commerce, that you cannot safely neglect this source of revenue. Nor is its restrictive character inconsiderable. The assertion may seem strange; but, in my opinion, this system secures the highest practical and continued pressure that can be produced. To say nothing of the perpetual violations of prohibitory acts by smuggling, they are subject to occasional relaxations, by which the country becomes inundated with British goods. At the end of the last session, I recommended high duties as a substitute for the Non-Importation Act. Under that system, the quantity of goods imported would not have been greater than it now is; but your treasury would have been in a much better condition; nor should we have had the present contest about extra profits; they would have passed into the treasury in the shape of duties. High duties have no pernicious effects, and are consistent with the genius of the people and the institutions of the country. It is thus we would combine, in the greatest degree, the active resources of the country with pressure on the manufactures of the enemy. Your army and navy would feel the invigorating effect. The war would not sicken the patriot's hope, and defeat some of its most valuable anticipated consequences. You would have the means of filling the ranks of the regular army, and be no longer compelled to rely on the hazardous aid of volunteers and militia. Victory, peace, and national honor,—I was going to say, glory,—(but experience has taught me how that word is received in this House), would

be the welcomed result of a vigorous war. But, Sir, if we must have one or the other,—either all war or all restrictions, —I would prefer the former. Suppose either would bring the enemy to our terms. Even in victory they are unequal. By restriction, you have nothing but the success ; while the assertion of our national rights by arms, creates those qualities which amply compensate for the privation and expense incidental to that state. Admit that the Tripolitans could have been coerced to terms by non-importation acts, and that we had resorted to restriction rather than arms, could we have this day boasted of our naval victories ? The Mediterranean war was the school of our naval virtue. It has elevated the hopes of our country. We may now look forward to the day, with confidence, when we shall be no longer insulted and injured on the high road of nations, with impunity. Besides, the non-importation system, as a redress of wrongs, is radically defective. You may meet commercial restrictions with commercial restrictions ; but you cannot safely confront premeditated insult and injury with commercial restrictions alone. I utter not this from the fervor of my feelings, but it is the deliberate result of my best judgment. It sinks the nation in its own estimation ; it counts as nothing what is ultimately connected with our best hopes—the union of these States. Our Union cannot safely stand on the cold calculations of interest alone. It is too weak to withstand political convulsions. We cannot, without hazard, neglect that which makes men love to be members of an extensive community—the love of greatness—the consciousness of strength. So long as *American* is a proud name, we are safe ; but the day we are ashamed of it, the Union is more than half destroyed.

SPEECH

On the New Army Bill, delivered in the House of Representatives, January 14th, 1813.

[Note.—Dec. 14th, 1812. The Committee on Military Affairs reported to the House, a Bill to raise twenty additional regiments of infantry to serve for one year, unless sooner discharged. This Bill, both in Committee of the Whole and in the House, had a very full discussion, which, as usual, turned more on questions connected with the policy and expediency of the war, than on its own intrinsic merits. Mr. Calhoun delivered this speech near the close of the debate. The Bill passed by a vote of ayes, 77 ; nays, 42.]

Mr. Speaker :—I can offer nothing more acceptable, I presume, to the House, than a promise not to discuss the Orders in Council, French decrees, blockades, or embargoes. I am induced to avoid these topics for several reasons. In the first place, they are too stale to furnish any interest to this House or the country. Gentlemen who have attempted it, with whatever abilities, have failed to command attention ; and it would argue very little sagacity on my part, not to be admonished by their want of success. Indeed, whatever interest may have been at one time attached to these subjects is now lost. They have passed away ; and will not soon, I hope, return into the circle of politics. Yes, Sir, reviled as have been our country's efforts to curb belligerent injustice—weak and contemptible as she has been represented to be in the scale of nations, she has triumphed in breaking down the most dangerous monopoly ever attempted by one nation against the commerce of another. I will not stop to inquire whether their triumph is attributable to the Non-Importation Act, or to the menace of war, or, (what is more probable,) to the last, operating on the pressure pro-

duced by the former,—the fact is certain that the Orders in Council of 1807 and 1809,—which our opponents have often said, that England would never yield, as they made a part of her commercial system,—are now no more. The same firmness, if persevered in, which has carried us thus far with success, will, as our cause is just, end in final victory. A further reason why I shall not follow our opponents into the region of documents and records, is, that I am afraid of a decoy; as I am induced to believe, from appearances, that their object is to draw our attention from the merits of the question. Gentlemen have literally buried their arguments under a huge pile of quotations; and wandered so far into this realm of paper, that neither the vision of this House has been, nor that of the country will be, able to follow them. There the best and worst reasons share an equal fate. The truth of the one, and the error of the other, are covered in like obscurity.

Before I proceed further, I will make a few observations in reply to the gentleman from Virginia (Mr. Randolph), who spoke yesterday. He complained of the desertion of his former associates from the minority principles of '98. These principles, he said, consisted in an opposition to the general government, in relation to the States,—and to political rights, in relation to individuals.

I was, at one moment, almost induced to suspect the gentleman of a desertion of his own principles; for scarcely had he finished this part of his subject, before he passed a highly-wrought eulogy on the Father of his Country—on that man whose whole life indicated the strongest leaning on the side of the government of his country. I beg the gentleman to reflect whether his definition of minority principles suits the character of Washington's administration? and if not, with what propriety both can be praised almost in the same breath. Whether, indeed, the principles of '98 are such as the gentleman has represented them to be, I will not inquire,

because not necessary to my argument. But if they are, in truth, those of the gentleman and his present associates, I should be happy to know with what countenance they can request the people of this country to put the government into their hands. Trust the government to those who are hostile to it ! who prefer their own interest and rights, to its interest and rights ! If our opponents are, in reality, in favor of such principles, patriotism ought to persuade them to add one other,—and that is, ever to remain in a minority. There they may, perhaps, be of some use ; at least, they will not be dangerous ; but put them in power, and let them act up to what they profess, and destruction would be certain. If the gentleman from Virginia is anxious to know the real cause of the separation of his former associates from him, he must look for it in his present political creed, and that of those with whom he is now united. He will there find an article which had no place in his, in '98 ; and which, then, as well as now, was reprobated by those who constitute the present majority. This article is only an enlargement of the minority principles, as defined by the gentleman ; —it is, opposition to our country in relation to England. The proof of this article is of the same kind, and no less clear than the others. For, what encroachment of England on our neutral rights, from the interruption of our carrying trade, down to the moment that war was declared—which one of the innumerable insults and injuries to which we have been subjected, has the opposition either not palliated or justified ? and what effort of our country to resist, which has not been reprobated and opposed ?

I will not multiply proofs on a course of conduct, the bad effect of which was too sensibly felt to be easily forgotten, and the continuation of which was but too apparent in the present discussion. For what is the object of the opposition in this debate ? To defeat the passage of this bill ? It has been scarcely mentioned ; and contains no-

thing to raise that storm which has been excited against it. The bill proposes to raise twenty thousand men only, and that for one year ; and surely there is nothing in that calculated to lay such strong hold on the jealousies or fears of the community. What, then, is the object of the opposition ? Gentlemen certainly do not act without an intention ; and wide as has been the range of debate, it cannot be so lawless as to be without an object. It is not, I repeat, to defeat the passage of this bill ; no, but what is much more to be dreaded, to thwart that which the bill proposes to advance—the final success of the war ; and, to effect this purpose, I must do the opposition the credit to say, they have resorted to the most effectual means. In a free government,—in a government of laws,—two things are necessary for the effectual prosecution of any great measure : the law, by which the executive officer is charged with the execution, and vested with suitable powers ; and the co-operating zeal and union of the people, who are always indispensable agents. Opposition, to be successful, must direct its efforts against the passage of the law ; or, what is more common, and generally more effectual, to destroy the union and the zeal of the people. Either, if successful, is effectual. The former would, in most cases, be seen and reprobated ; the latter, much the more dangerous, has, to the great misfortune of republics, presented, at all times, a ready means of defeating the most salutary measures. To this point the whole arguments of opposition have converged. This gives a meaning to every reason and assertion which has been advanced, however wild and inconsistent. No topic has been left untouched ; no passion unessayed. The war has been represented as unjust in its origin, disastrous in its progress, and desperate in its further prosecution. As if to prevent the possibility of doubt, a determination has been boldly asserted not to support it.

Such is the opposition to the war, which was admitted,

on all sides, to be just; and which, in a manner, received the votes even of those who now appear to be willing to ruin the country in order to defeat its success. For, let it be ever remembered, that the bill to raise twenty-five thousand men passed this House (January, 1812) almost unanimously, though it was distinctly announced for what object it was intended. How will gentlemen relieve themselves from this dilemma? Was it their object to embarrass the administration? Will they dare to make a confession, which would so strongly confirm the motive that has been assigned to them? A gentleman from New-York (Mr. Emmot) felt the awkwardness of the situation; and, in his endeavor to explain, has made an admission which ought ever to exclude him and his friends from power. He justified his vote on the ground that he was in favor of the force as a peace establishment. A peace establishment of thirty-five thousand men! [Mr. E. explained that he did not mean as a peace establishment; but that the posture of affairs, at that time, demanded it.] At any rate (continued Mr. C.), I hope to hear nothing more about the enormous expense of the war; since the principal expense ought to have been incurred, in the gentleman's opinion, even had it not been resorted to. Well might the opposition admit the justice of the war. For years the moderation of the government (I might almost say), its excessive love of peace, strove to avoid the contest. We bore all that an independent nation could bear; not, indeed, with patience, but in the hopes of returning justice on the part of our enemy.

I cannot omit noticing the attempt made by the gentleman from New-York, to palliate the conduct of England in relation to one of the causes of the war. I allude to the blockade of 1806. The gentleman contended that it was a relaxation of the law of nations in our favor; and, of consequence, must be considered by us in the light of a benefit. It surely cannot be necessary to trace the gentleman through

his laborious discussion on this point, in order to expose the error of so extraordinary a conclusion. What? *That* an advantage to this country, which we have struggled so much to avoid! *That* a relaxation on the part of England, which she has so obstinately refused to yield! Flushed with his supposed victory on this subject, the gentleman undertook, what might be considered even a more difficult task, to remove the Orders in Council as a cause of war. Sir, I despair of replying to such arguments.

But it is objected, that the report of the Committee on Foreign Relations has stated the orders of 1807, as a cause of war, though repealed by those of 1809. It is a sufficient justification of the report, that it has stated the facts on this, as well as all other points, precisely as they existed; and well might the report enumerate the orders of 1807 as a cause of war, when those of 1809 openly avow the principles of the former, and only modify their operation to the then existing circumstances. But, says another gentleman from New-York (Mr. Bleecker), we were inveigled into the war by the perfidy of France. She did not fairly repeal her decrees. Be it so; and what then? Were we bound to submit to England, because France refused to do us justice? Have we no power of election between ruffians? Where will the absurdity of such arguments end? The right to select was perfect in us; and, without reference to the conduct of France, the selection might, and ought to have fallen on England.

If, Sir, the origin of the war furnish no sufficient justification for opposition to it, in vain will our opponents fly for refuge to its continuation. The Orders in Council, say they, are now no more; and why should the war be persisted in, after its cause is removed? My reply to the question is,—that it is continued from no project of ambition, or desire of conquest; but from a cause far more sacred,—the liberty of our sailors, and their redemption from slavery. Yet the war

is opposed—even attempted to be defeated—by the friends, connections and neighbors of these brave defenders of our national rights and honor. It is even asked, why should we feel so lively an interest in their fate? In vain are such arguments urged. The country will not forget its duty,—the first of political duties,—that of protection. Our opponents may find no motive in connection or neighborhood; but the country will in its obligations. The friends of commerce may evince their attachment to its profits and luxuries only; but the government will not, on that account, cease to respect the liberty of the citizen, and the enlarged interests of commerce, by protecting from English slavery the sailors, by whose toil and peril it is extended to every sea. Provided they have commerce and profit, it seems the injury and insult go for nothing with the opposition. Such a commerce may, indeed, bloat the country, but it will not contribute to its real strength. It subtracts more from the spirit, than it adds to the wealth of the community.

But, say our opponents, as they were opposed to the war, they are not bound to support it; and so far has this opinion been carried, that we have been accused almost of violating the right of conscience in denying the position assumed by gentlemen. The right to oppose the efforts of our country, while in war, ought to be established beyond the possibility of doubt, before it can be justly adopted as the basis of conduct. How conscience can be claimed in this case, cannot be very easily imagined. We propose no Bill of pains and penalties; we only assert, that the opposition experienced cannot be dictated by love of country; and that it is inconsistent with the obligation which every citizen is under to promote the prosperity of the republic. Its necessary tendency is, to prostrate the country at the feet of the enemy, and to elevate a party on the ruins of the republic. Until our opponents can prove that they have a right which is paramount to the public interest, we must persist in deny-

ing that they are justified in their attempts to thwart the success of the war. War has been declared by a law of the land ; and what would be thought of similar attempts to defeat any other law, however inconsiderable its object ? Who would dare to avow an intention to defeat its operation ? Can that, then, be true in relation to war which would be reprobated in every other case ? Can that course be right, which, when the whole physical force of the country is needed, withdraws half of that force ? Can that be true which gives the greatest violence to party animosity ? What would have been thought of such conduct in the war of the Revolution ? Many good citizens, friendly to the liberty of the country, were opposed to the declaration at the time ; but could they have been justified in such opposition as we now experience ? To terminate the war through discord and weakness is a hazardous experiment. But, in the most unjust and inexpedient war, it can scarcely be possible that disunion and defeat can have a salutary operation. In the numerous examples which history furnishes, let an instance be pointed out, in any war, where the public interest has been promoted by divisions, or injured by concord. Hundreds of instances may be cited of the reverse. Why, then, will gentlemen persist in that course where danger is almost unavoidable, and shun that where safety is almost certain ?

But, Sir, we are told that peace is in our power without a farther prosecution of the war. Appeal not, say our opponents, to the fear, but to the generosity of our enemy. England yields nothing to her fears ; stop, therefore, your preparations, and throw yourself on her mercy, and peace will be the result. We might indeed have pardon, but not peace on such terms. They, who think the war a sacrilege or a crime, might consistently adopt such a course ; but we, who know it to be in maintenance of the just rights of the community, never can. We are further told, that impressment of seamen was not considered a sufficient cause of war ; and are

asked, why should it be continued on that account? Individually (said Mr. Calhoun) I do not feel the force of the argument; for it has been my opinion, that the nation was bound to resist so deep an injury, even at the hazard of war. But, admitting its full force, the difference is striking between the commencement and the continuance of hostilities. War ought to be continued until its rational object—a permanent and secure peace, is obtained. Even the friends of England ought not to desire the termination of the war, without a satisfactory adjustment of the subject of impressment. It would leave the root, that must necessarily shoot up in future animosity and hostilities. America can never quietly submit to the deepest of injuries. Necessity may compel her to yield for a moment, but it will be to watch the growth of national strength, and to seize the first favorable opportunity to seek redress. The worst enemy to the peace of the two countries, could not desire a more effectual means to propagate eternal enmity.

But it is said, that we ought to offer to England suitable regulations on this subject, to secure to her the use of her own seamen; and, because we have not, we are the aggressors. Sir, I deny that we are bound to tender any regulations. England is the party injuring. She ought to confine her seamen to her own services; or, if that be impracticable, propose such arrangements, that she might exercise her right without injury to us. This is the rule that governs all analogous cases in private life. But we have made our offer; it is, that the ship should protect the sailor. It is the most simple and only safe rule. But to secure so desirable a point, the most liberal and effectual provisions ought and have been proposed to be made on our part, to guard the British government against the evil it apprehended, viz., the loss of its seamen.

The whole doctrine of protection, heretofore relied on, and still recommended by the gentleman from Connecticut

(Mr. B.), is false and derogatory to our honor ; and under no possible modification can effect the desirable object of affording safety to our sailors, and securing the future harmony of the two countries. Nor can it be doubted, that if governed by justice, England would yield to the offer of our government, particularly, if what the gentleman from New-York (Mr. Bleecker) says, be true, that there are ten thousand of her seamen now in our service. She would be greatly the gainer by the arrangement. Experience, it is to be feared, however, will teach that gentleman, that the evil lies much deeper. The use of her seamen is a mere pretence. The blow is aimed at our commercial greatness. It is this which has animated and directed all of her injurious councils towards this country. England is at the same time a trading and a fighting nation ; two occupations naturally at variance, and most difficult to be united. War limits the number and extent of the markets of a belligerent—makes a variety of regulations necessary—and produces heavy taxes, which are inimical to the prosperity of manufactures, and consequently commerce. These causes combined give to trade new channels, which direct it naturally to neutral nations. To counteract this tendency, England, under various, but flimsy pretences, has endeavored to support her commercial superiority by monopoly. It has been our fortune to resist with no inconsiderable success this spirit of monopoly. Her principal object in contending for the right of impressment, is to have, in a great measure, the monopoly of the sailors of the world. A fixed resistance will compel her to yield this point, as she has already done her Orders in Council. Success will amply reward our exertions. Our future commerce will feel its invigorating effects.

But, say gentlemen, England will never yield this point, and every effort on our part to secure it is hopeless. To confirm this prediction and secure our reverence, the prophecies of the last session are relied on. I feel no disposition

to disparage the talents of our opponents in this line; yet I very much doubt whether the whole chapter of woes has been fulfilled. I ask, for instance, whether so much as related to sacked towns, bombarded cities, ruined commerce, and revolting blacks, has been realized? I am sorry to find a gentleman from Virginia (Mr. Sheffey) not yet cured of his fears in relation to this last prediction. I would be glad to know what are his intentions.—His assertions give equal notice to the House, the enemy and the country. If danger indeed exist, he has acted with such imprudence as ought to subject him to the censure of every reflecting man; but I acquit the gentleman, as I do not apprehend any danger. I cannot admit an increased danger from a state of war—a state in which the public force and vigilance are, of necessity, the greatest. But to return to the point, our cause is not so hopeless as represented by our opponents. On the contrary, if we only persevere, we have every reason, under present circumstances, to anticipate ultimate success. The enemy is engaged in a contest in Europe, which requires his whole power. We have already compelled him to yield a point, which, but the last year, it was prophesied, he never would. The Orders in Council are now no more—that system by which it was vainly attempted to monopolize our trade, and to recolonize the American people. But if England will not yield, we can perish as well as she. Our republican virtue is as obstinate as her imperial pride, and our duty to our citizens as unyielding, as her prerogative over her subjects.

An attempt has been made to shake our fortitude by a cry of French alliance. It has been boldly said, that we are already united with that country. We united with France? We have the same cause? No; her object is dominion, and her impulse, ambition. Ours is the protection of the liberty of our sailors. But, say our opponents, we are contending against the same country. What then? Must we

submit to be outlawed by England, in order that she may not be by France? Is the independence of England dearer to us than our own? Must we enter the European struggle not as an equal, consulting our peculiar interest, but be dragged into it as the low dependant, the slave of England?

The gentleman from Virginia (Mr. Randolph) has told us, that we are contending against religion in the person of England—that she is, in a word, the patroness of Christianity. Unhappy country! Doomed to submission to preserve the purity of religion! Doomed to slavery, that England may be independent! Because Bonaparte is not a Protestant, you must surrender your rights! Because he is a despot, you dare not resist! What does the gentleman intend? Is it his wish, by thus dragging into the heat of political debate the sacred cause of religion, to promote its interests or that of a faction? If the former, let him point out an instance in ancient or modern times when the junction of religion and politics has not been fatal to the interest of both. It is this unnatural union which has engendered the foulest progeny of human woes. History is full of its disasters, and the gentleman is too familiar with its pages to require a particular recital. If the gentleman's intention is not to advance the cause of religion, but to promote the views of a party, words cannot truly describe its real character. It is a trick that has been, and still continues to be practised on the too easy credulity of our nature. Its frequency, however, does not change its nature; it may indeed furnish some apology, that those who practise it are led into it without due reflection on its character; but when understood, what can be more shocking, than that this, the most sacred of all things, the medium of divine communion, our consolation as mortals, should be prostrated to the gratification of some of the worst feelings of the human heart? Such then is the cause of the war and of its continuation; and such the nature of the opposition experienced, and its justification. It remains to be seen

whether the intended effect will be produced; whether animosity and discord will be fomented, and the zeal and union of the people to maintain the rights and indispensable duties of the community, will abate; or, describing it under another aspect, whether it is the destiny of our country to sink under the blows of our enemy or not. I am not without my fears and my hopes.

On the one hand, our opponents have manifestly the advantage. The love of present ease and enjoyment, the love of gain, and party zeal, are on their side. These constitute a part of the weakness of our nature. We naturally lean that way without the arts of persuasion. Far more difficult is the task of the majority. It is theirs to support the distant but lasting interest of our country. It is theirs to elevate the minds of the people, and to call up all of those qualities by which present sacrifices are made to secure a future good. On the other hand, our cause is not without hope. The interest of the people, and that of the leaders of a party, are, as observed by a gentleman from New-York (Mr. Stow), often at variance. The people are always ready, unless led astray by ignorance or delusion, to participate in the success of the country, or to sympathize in its adversity. Very different are the feelings of the leaders of the opposition: on every great measure they stand pledged against its success, and almost invariably consider that their political consequence depends on its defeat. The heat of debate, the spirit of settled opposition, and the confident prediction of disaster, are among the causes of this opposition between the interest of a party and of the country; and in no instance under our own government have they existed in a greater degree than in relation to the present war. The evil is deeply rooted in the constitution of all free governments, and is the principal cause of their weakness and destruction. It has but one remedy:—the virtue and intelligence of the people. It behooves them, as they value the blessings of their free-

dom, not to permit themselves to be drawn into the vortex of party rage. For if, by such opposition, the firmest government should prove incompetent to maintain the rights of the nation against foreign aggression, they will realize too late the truth of the proposition, *that government is protection*, and that it cannot exist where it fails of this great and primary object. The authors of the weakness are commonly the first to take the advantage of it, and to turn it to the destruction of liberty.

SPEECH

On the Bill making further provisions for filling the ranks of the regular Army, encouraging enlistments, &c., delivered in the House of Representatives, January 17th, 1814.

[NOTE.—On the 10th of January, 1814, Mr. Troup, from the Committee on Military Affairs, reported to the House,—among others, a Bill to authorize the President to raise for five years' service, or during the war, fourteen of the regiments of infantry which had been authorized by the act of the 29th of January, 1813, and for other purposes. Being referred to the Committee of the Whole, it was called up, successively, on the 13th, 14th, 15th, and 17th, and discussed with much warmth. Party feelings were highly excited, and every effort was made to embarrass the Administration by defeating the Bill. But in vain; it was ordered to a third reading on January 21st, and finally passed the House by a vote of 90 to 15.]

MR. CHAIRMAN:—I do not rise to examine on what terms the President has assented to negotiate with the British government; because I conceive it neither pertinent to the present question, nor proper at this time. I deem it,

however, my duty to state, that I wholly dissent from the construction which our opponents give to the documents connected with this subject. If a proper opportunity should hereafter occur, I will be happy to present the reasons for my opinion on this point.

I am induced to occupy the time of the committee at present, to correct two essential errors, which gentlemen in the opposition have introduced into the discussion of this question ; and, although not immediately connected with the merits of the bill, I think it proper that they should be answered ; because, from all that I have ever heard, as well on this as on former occasions, it seems to me that they constitute the basis on which the minority rest their justification. I allude to the character which they give to the war ; and the claim set up, in a political and constitutional point of view, to justify their opposition. Gentlemen contend, that this is not a defensive, but an offensive war ; and under this character undertake its denunciation, without ever condescending to state what, in their opinion, constitutes the characteristic difference between the two. I claim the attention of the committee while I examine this point ; and I hope that it will not be considered as a mere verbal criticism, since our opponents have made the distinction the foundation of so much declamation against the war. The inquiry, in another point of view, I believe, will be useful. The people of this country have an aversion to an offensive war (which, I suppose, interprets the meaning of the vehemence of the opposition on this subject) ; while they readily acknowledge the possible necessity and justice of one that is defensive. It is therefore proper, that our ideas on this point should be fixed with precision and certainty.

I will lay it down as an universal criterion, that a war is offensive or defensive, not by the mode of carrying it on, which is an immaterial circumstance, but by the motive and cause which lead to it. If it has its origin in ambition,

avarice, or any of the like passions, then it is offensive; but if, on the contrary, designed to repel insult, injury, or oppression, it is of an opposite character, and is defensive. The truth of this position will not require much discussion. I conceive that it may be safely rested either on the authority of the best writers on the subject, or on its own internal evidence. It is only in this view that the prevalent feelings on this subject can be explained. If the distinction taken be a correct one; if the two species of war are distinguishable in their cause and motive, then our condemnation of the one and approval of the other is no longer a mystery; it is founded in the nature of things. But if, on the contrary, it be true that they are distinguished by the mere accidental circumstance of the mode of carrying them on; that the scene of action should make them the one or the other; then the feelings of the country, by which it condemns or approves of either species, are a profound mystery never to be explained. In the view which I have presented, the difference between an offensive and a defensive war is of the moral kind; and that sense of justice which marks the American people, accounts for their feelings. Their exemption from ambition and love of justice preserve them from the former; while their manly spirit and good sense will always make them cheerfully meet the other whenever it becomes necessary. What, then, is the character of the war in which we are now engaged? Was it dictated by avarice or love of conquest? I appeal to our opponents for a decision. They have already decided. When the resolutions of the gentleman from New Hampshire were under discussion at the last session, it was repeated, till the ear was fatigued, by every one on that side of the House who took any part in the de bate, that if the repeal of the Berlin and Milan decrees had been communicated in time to the British government, the Orders in Council would have been repealed also; and had the last event happened, the war would not have been de-

clared. They then have acknowledged, that the Orders in Council, and not the conquest of Canada, as they now pretend, were the cause of the war ; and it would be idle to inquire whether, to resist them, was in its nature offensive or defensive. It would be to inquire whether they were or were not an injury to our commerce—a point I have never heard denied by the most obstinate debater. It would be equally so to examine whether the cause of continuing the war,—to protect our seamen from impressment,—is of an offensive or defensive character. Very few have the hardihood to deny that this is an injury of the most serious kind, both as regards the government, and the unhappy subjects of its operation. It involves the most sacred obligation which can bind the body politic to the citizen ;—I mean that of protection, due alike to all ; to the beggar in the street, and much more, if susceptible of degrees, to our sailors, that class of the community who have added so much to the wealth and renown of this country.

Having thus established the character of the war, in its origin and continuance, I lay it down as a rule not less clear, that a defensive war does not become offensive by being carried beyond the limits of our territory. The motive and cause will ever give the character ; all the rest are mere unessential incidents. When once declared, the only question, even in a defensive war, is, how can it be carried on with the greatest effect ? The reverse of this involves the most glaring absurdity. It supposes that we have determined to compel our enemy to respect our rights ; and, at the same time, voluntarily renounced, what is acknowledged to be the best and most effectual mode of producing that effect. On this point, as well as the cause of the war, the opinion of our opponents may be arrayed against themselves. What have they advised as to the mode of carrying on the war ? Withdraw your troops from Canada, reduce your army, and limit your operations to the ocean. What ! to the ocean ? Carry

the war beyond our own territory! make it offensive! The gentlemen surely do not intend to support an offensive war? To use their own language, it is too immoral for a virtuous and religious people. It is then admitted that it does not cease to be defensive by its being waged at sea; how then can the carrying it into Canada change its character? I again remark that it is a mere question of expediency where and how the war ought to be prosecuted. For my part, so long as it continues, I think no effort should be spared to reduce Canada. Should success accompany our arms, we will be indemnified for the privations and expenses of the war, by the acquisition of an extensive and valuable territory, and by the permanent peace and security which it would afford to a large portion of our country; and, even in the worst event, should we fail of conquest, the attempt will not be without great advantages. The war in Canada is the best security to every part of our country. We have a very extended, and, from the thinness of the population, in many places weak, sea-coast. I do not believe that it has been neglected, as has been represented by the gentleman from New Hampshire; but I do believe that many points are, and must, from necessity, be without efficient protection. Let me, however, ask that gentleman, how it happens that this coast, so easily assailed by a maritime power, has sustained little or no damage, in a war that has continued upwards of eighteen months. If he is at a loss for an answer, the scheme of his political friend from Virginia (Mr. Sheffey), to confine our troops to the defensive, should it be adopted, would, in the next summer, amply explain the fact. The truth is, that the war in Canada is the security of the coast. It compels the enemy to concentrate the whole of his disposable force there, for the defence of his own territory. Should the absurd policy be adopted of confining the operations of our troops within our own limits, the whole of the enemy's force in Canada will be liberated from its defence, and the

entire line of our sea-coast menaced with destruction. The enemy, master on the ocean, could act with such celerity, that it would be either impossible to defend ourselves, or it must be done at an expense greater than would be necessary to reduce his possessions. Thus, even under this limited view of defence, the most effectual mode is that which has been adopted: to carry the war into the enemy's country; and our opponents ought, according to their own distinction, to grant every aid in men and money.

Although not immediately in point, I cannot refrain from observing that, of all the arguments I have ever heard since I have had the honor of a seat in this House, those were by far the most extravagant, which have been urged against the conquest of Canada. I have heard it characterized by every epithet of crime or weakness. The advancers of such arguments surely do not reflect, that in their zeal to assail the majority, they are uttering libels on the founders of our freedom and independence. This scheme of conquest, this project of ambition, this offspring of folly and vice, as it has been liberally called, originated with those men to whom America owes so much, and whose wisdom and virtue is acknowledged by the world. It was by them thought an object worthy the expense of the treasures and the best blood of the country; and finally relinquished by them with reluctance, and from necessity only.

It now remains to consider the defence which gentlemen have made for their opposition to the war and the policy of their country,—a subject which I conceive to be of the greatest importance, not only as affecting the result of the present contest, but our lasting peace and prosperity. They assume as a fact, that opposition is in its nature harmless; and that the calamities which have afflicted free states, have originated in the blunders and folly of the government, and not from the perverseness of opposition. Opposition, say they, is a very convenient thing; a wicked and foolish

administration never fail to attribute all of their miscarriages to it; and, in support of this doctrine, they appeal to Lord North's administration. I do not intend to examine the particular case, to which gentlemen have, with so much parade referred, as it is not in the course of my argument; but I think it could be easily proved, that the opposition in the case cited, was essentially different, in character and consequence, from the opposition in this country. I conceive, however, that it will be proper, before I examine the general position taken by gentlemen on the other side, to make a single remark in relation to the British government on this subject. It strikes me, that all arguments drawn from it, on this point, must be essentially erroneous. A more determined and vehement opposition there is not only justifiable, but in some measure required. The difference in the two governments, in this respect, results from a difference in the organization of their respective executives. In England, such is the power, patronage, and consequent influence, of the executive; such the veneration, which its hereditary quality and long descent possess over the subjects of that empire, that her most enlightened statesmen have ever thought that it endangered the other branches of her government, and have, with much wisdom, ever since the dawn of liberty in that country, strenuously opposed its encroachments. Very different is the case here, in a government purely republican. Our Executive presents neither the cause to justify such vehemence of opposition, nor possesses the means of restraining it when excited. But, even as applied to our government, I will readily acknowledge that there is a species of opposition both innocent and useful. Opposition simply implies contrariety of opinion; and, when used in the abstract, admits of neither censure nor praise. It cannot be said to be either good or bad; useful or pernicious. It is not from itself, but from the connected circumstances, that it derives its character. When it is simply the result of that

diversity in the structure of our intellect, which conducts to different conclusions on the same subject, and is confined within those bounds which love of country and political honesty prescribe, it is one of the most useful guardians of liberty. It excites gentle collision; prompts to due vigilance,—a quality so indispensable, and, at the same time, so opposite to our nature,—and results in the establishment of an enlightened policy and useful laws. Such are its qualities when united with patriotism and moderation. But, in many instances, it assumes a far different character. Combined with faction and ambition, it bursts those limits, within which it may usefully act, and becomes the first of political evils. If, Sir, the gentlemen on the other side of the House intended to include this last species of opposition, as I am warranted in inferring they did, from their expressions when they spoke of its harmless character, then have they made an assertion in direct contradiction to reason, experience, and all history. A factious opposition is compounded of such elements that no reflecting man will ever consider it as harmless. The fiercest and most ungovernable passions of our nature—ambition, pride, rivalry, and hate—enter into its dangerous composition; made still more so by its power of delusion, by which its projects against government are covered in most instances, even to the eyes of its victims, by the specious show of patriotism. Thus constituted, who can estimate its force? Where can benevolent and social feelings be found sufficiently strong to counteract its progress? Is love of country? Alas! the attachment to a party becomes stronger than that to our country. A factious opposition sickens at the sight of the prosperity and success of the country. Wide-spread adversity is its life; general prosperity its death. Nor is it only over our moral sentiments that this bane of freedom triumphs. Even the selfish passions of our nature, planted in our bosom for our individual safety, afford no obstacle to its progress. It is this opposi-

tion, which gentlemen call harmless, and treat with so much respect ; it is this moral treason, to use the language of my friend from Tennessee (Mr. Grundy), which has, in all ages and countries, ever proved the most deadly foe to freedom. Nor is it then only dangerous when it breaks forth into open treason and rebellion. Without resort to violence, it is able, in a thousand ways, to counteract and deaden all the motions of government, to render its policy wavering, and to compel it to submit to schemes of aggrandizement on the part of other governments ; or, if resistance be determined on, to render it feeble and ineffectual. Do gentlemen ask for instances ? Unhappily they are but too numerous. Where can they not be found ? Admired and lamented republics of antiquity ! Athens, Carthage, and Rome, you are the victims and witnesses of the fell spirit of factious opposition ! Fatal fields of Zama and Cheronæa, you can attest its destructive cruelty ! What is the history of Polybius, and that of the other historians of the free states of antiquity ? what the political speeches of Cicero and the orations of Demosthenes, those models of eloquence and wisdom, but volumes of evidence, attesting that an opposition founded in faction, unrestrained by moderation and a regard to the general welfare, is the most dangerous of political evils. Nor does antiquity alone testify. The history of modern times is pregnant with examples. What, I would ask, has become of the free states of modern Italy, which once flourished in wealth and power—Florence, Genoa, Venice, and many others ? what of the United Provinces and Switzerland ? Gone ; perished under the deadly feuds of opposition. Even England, with her deep-rooted and powerful executive, has not been free from its pernicious effect. What arrested the war of Marlborough, when France was so humbled, that, had it been continued, Europe might have been free from the danger which she has experienced from that power ? What stayed the conquering hand of Chatham, when before his

genius and power the throne of the Bourbons trembled to its centre? The spirit of factious opposition, that common cause of calamity,—that, without which, liberty might be eternal, and free states irresistible.

Our country, as young as she is, has her examples also. In the war of the Revolution, had she been united to a man —had there been no apologists of opposition—had no one opposed his will to the general determination—would the enemy ever have had a hold in our country? or would that contest have lasted for a year? or would we have been indebted to foreign aid for the establishment of our independence? Even in this war, how much has it debilitated the energies of our country? The gentleman from New Hampshire, who spoke with ingenuity on this subject, told us, that if we were united, the Canadas would be reduced in thirty days; and that in consequence of the disasters springing from our divisions, we had been disgraced.

What more can I say on the fatal effects of opposition? I appeal to that gentleman to state the cause of our divisions; and would ask him whether, with the certain knowledge of its pernicious effects, every means that could excite opposition have not been unceasingly applied? To obviate the natural conclusion, the gentleman from New Hampshire was compelled to deny that the party now in power is a majority in this country; and to contend that the representation in this body furnishes no evidence of that fact. He argued, that many who are opposed to the war were, from party motives, induced to vote for those in favor of it. Even admitting the argument to be well-founded, which I cannot think, might it not be retorted? I would be glad to know why the rule does not apply to the minority in an equal degree? Until he assigns some reason why it does not, I must continue to consider the majority here, as representing a great majority of the people; and the minority, as opposing the will of that majority.

The pretensions and declarations of the gentlemen on the other side of the House, have compelled me to make these general observations. I know not how else they can be met, and I consider them as fraught with doctrines so erroneous and dangerous, that it is my duty to present their falsity, in the best manner in my power, to this House and to the country. From the same sense of duty, I feel bound to offer my sentiments on a subject of greater delicacy ;—I mean, on the character of the opposition which the government has experienced, since the commencement of the present difficulties, in 1806 ; and to inquire under which of the two species of opposition—the moderate and useful, or factious and dangerous—it ought to be arranged ? It is with pain I make this inquiry. I take no pleasure in perceiving the faults of any part of our citizens, much less in presenting them to the public. My object is not to expose, but to reform—to admonish of a danger so incident to free states, into which all opposition, even of the most virtuous kind, so easily degenerates, if not incessantly watched ; and to call on them, while yet possible, to arrest its fatal career. It is important to know that there is a stage in the progress of opposition, which gentlemen consider so harmless, which, when once attained, no power can arrest—not love of country—not even the certainty of being involved in the common destruction. Has it made any progress in this country to so dangerous a state ? I fear there are appearances which will justify such a belief. One of its most natural symptoms is, a settled and fixed character, which, as its object is to embarrass and weaken government, loses no opportunity to throw impediments in the way of every measure. It has two other concomitants : the one, a violence and vehemence not warranted by any considerations of expediency ; and the other, the urging of measures which, if adopted, must lead to national ruin. It seems to me that there are reasons to believe that all of these exist in the present opposition. Is it not set-

tled and fixed? In an unexampled state of national difficulties, from the first belligerent decree against our neutral commerce down to this day, I ask, what one of all the measures of our government to resist this almost universal depredation, has not, under one pretext or another, been opposed, ridiculed, and weakened? Yes, opposed with a violence that would lead to a belief that the constituted authorities, instead of opposing the most gross and outrageous injustice, sought only the destruction of their country. Again; what have been the measures that opposition has virtually urged? What is it at this moment? To withhold the laws—to withhold the loans—to withhold the men who are to fight our battles—or, in other words, to destroy public faith, and to deliver the country unarmed to the mercy of the enemy. Suppose all of these objects accomplished, and what would be the situation of the country? I appeal to the people for a decision. Nor are those morbid symptoms confined to this body. The contagion has gone forth into the community, and wherever it has appeared, has exhibited the same dangerous characteristics. The inquiry might be pushed much farther; but I abstain from it, as it is to me by no means a pleasant task.

But, say the gentlemen on the other side of the House, what right have we to object? The constitution justifies and secures them in an opposition to the measures of government. They claim to be not only above laws, but beyond animadversion. It is in their eyes fair and proper that the majority who act under the undoubted and express sanction of the constitution, should be subjected to every species of abuse and impediment; but, should any one question the right or the expediency of the opposition, we hear an immediate cry of oppression. For my part, I think that a fair and moderate opposition ought at all times to be respected; but, that our constitution authorized that dangerous and vicious species which I have attempted to describe,

I utterly deny. I call on those who make the claim to so extravagant a power, to point out the article of that instrument which warrants such a construction. Will they cite that which establishes the liberty of speech here? Its object is far different, and it furnishes not the shadow of such a power. Will they rely on its general spirit? It knows no object but the general good, and must for ever condemn all factious opposition to measures emanating from its own authority. It is then not authorized either by the letter or the spirit of the constitution. If, then, our opponents have the right, it is because it is not expressly forbidden. In this sense there is no limitation to their constitutional rights. A right might be thus derived to violate the whole decalogue. The constitution forbids almost no crimes; nor ought it to be considered in the light of a voluminous penal code, whose object is the definition and prohibition of all acts injurious to society. Even were this the case, the argument that what is not forbidden is justifiable, would be fallacious; for there are many acts of the most dangerous tendency (of which an unprincipled opposition is one), which in their very nature are not susceptible of that rigid definition necessary to subject them to punishment. How absurd, then, the argument, as applied to the constitution, whose object is the mere enumeration, distribution, and organization of the powers of the body politic.

I have been compelled by the great and dangerous errors of the gentleman on the other side, to take a view more general, than is usually proper, of a subject on which it is so important to think correctly; and I cannot take my seat without reiterating my admonition to this body and the country, to guard against the pernicious effects of a factious opposition. Universal experience and the history of all ages furnish ample testimony of its dangerous consequences, particularly in a state of war. Could any certain remedy be applied to restrain it within the bounds of moderation, then,

indeed, might our liberty be immortal. I know of none but the good sense and the virtue of the people. The triumph of a party can be nothing to them. They can have no interest but in the general welfare.

SPEECH

On the Loan Bill, delivered in the House of Representatives, February 25th, 1814.

[NOTE.—January 31st, 1814. Mr. Eppes from the Committee of Ways and Means, reported a Bill to authorize a loan of —— millions of dollars, which was read and referred to the Committee of the Whole. The debate on this Bill, in which almost all the leading men of both parties participated, took a wide range; embracing all the great questions of the day, which were elaborately discussed. On the character of the discussion, a shrewd contemporary makes the following pertinent remarks:

"The debate (not on the Loan Bill, but suffered while it was before a Committee of the Whole of the House of Representatives) has had an unlimited range. Every question of politics that has agitated the United States for fifteen or twenty years past, and every one that may be expected for twenty years to come, appears to have been embodied in the speeches of the members: some of whom, it is said, have spoken three hours, without mentioning the Bill at all."

The principal grounds of the opposition were, the inexpediency of the war—to carry on which the loan was asked—and the impossibility, if granted, of obtaining the money. Mr. Calhoun spoke to these objections and in favor of the Bill.]

MR. CHAIRMAN:—It is now more than two weeks since the commencement of this debate; the greater part of which time has been consumed by the opposition in attempting to prove the bad faith, poverty, folly, and injustice of our government and country: for all of their arguments and declamation, however variant and contradictory, are reducible to

two objections against the passage of this bill. *First*—That such is the want of capital, or of public credit, that the loan cannot be had, or if at all, only at an extravagant interest; and *secondly*—If the amount can be obtained, the bill ought to be rejected; because, in their opinion, the war is unjust and inexpedient. The last of these objections I propose to discuss. To examine both at large would occupy too much time. Without, therefore, discussing the question whether the loan can or cannot be had, I will merely offer a few reflections incidentally connected with it.

It is a little remarkable that not one of the minority has discussed the material points on this part of the subject; I mean the question,—is the money proposed to be raised by this bill, indispensable for the service of the year? And, if so, is a loan, the only, or the best mode of obtaining it? The chairman of the Committee of Ways and Means has presented an estimate of the expenditures already ordered,—or which must be incurred,—by which it appears, that the sum proposed to be raised by this bill, with other sources of revenue, will be absolutely necessary to meet them. The silence of the opposition sanctions the correctness of the estimate; and as no other mode has been indicated of obtaining the necessary supplies, this may be presumed to be the only or the best one. It ceases, then, to be a question, whether the loan can be had at this or that interest. It is necessary; it must be had; and the rate per centum will depend principally on the state of the money market—and not on arguments used here. Again; on comparing the two objections to the passage of this bill, one of them destroys all confidence in the other. Our opponents contend, not only that the loan cannot be had, but that it ought not to be granted. To defeat the passage of the bill in, or to prevent its successful operation out of this House, is the declared object of their policy. It is true that all have not made the latter declaration; but none, as far as my memory serves, have disavowed it. When,

then, they argue that the loan must fail, they must be considered either as dupes of their wishes, or, what is more probable, as aiming to destroy the confidence of moneyed men in the public faith; for it cannot be presumed that they have any hope of defeating the passage of the bill.

But to proceed to the objection which I proposed to discuss. The war, say our opponents, is unjust and inexpedient, and, therefore, this bill ought to be rejected. The facts of the supposed injustice and inexpediency of the war, on which this objection rests, have claimed the exclusive attention of the opposition. The inference deduced from them—that they justify the rejection of this bill, though far from being a self-evident proposition, has received no part of their arguments or elucidations. For my part, I consider it not only false but dangerous; and shall, therefore, not only consider the alleged injustice and inexpediency of the war, but also the inference assumed from these charges. I trust, with the attention of the committee, to prove that both are equally unfounded. I must beg an attentive and deliberate hearing; for a correct mode of thinking on this subject, I sincerely believe to be necessary to the lasting prosperity of our country. I say an attentive and deliberate hearing, for it is not sufficient that the mind be fixed on the discussion; but it should also be free from those passions and prejudices unfavorable to the reception of truth. The fact that discussion here assumes the form of debate produces a state of things unfavorable to dispassionate attention. In debate here, as between two individuals, the opposite sides are much more disposed to find objections to an argument, be it ever so clear, than to receive it with a proper degree of assent. In their zeal, the interest of the country is too often forgotten; and mere recriminations made to take the place of earnest endeavors to discover and enforce the claims of truth. I hope what I have to say will not be viewed as a mere exercise of skill in discussion, in which those who hear me have little or no interest; but as

containing principles believed to be essential to the public interest. I trust I hold in proper contempt the spirit of idle debate. Its heat and zeal are momentary. Not so with our principles and measures. On them must depend our future prosperity and happiness.

Is the war unjust and inexpedient? This is the question which I now propose to discuss. The eagerness and zeal with which our opponents endeavor to prove this point, seem to me not at all consistent with sound principles, or due love of country. In their zeal they often presume that we are wrong, and our enemy right; and that the burden lies on us to prove their charges false—before they have attempted to prove them true. How contrary this to the maxims of Roman wisdom! That wise and virtuous people, so far from presuming their country to be wrong, considered it as a crime in a citizen to doubt the justice of the public cause. In a state of war, how worthy of our imitation! It was at the root of Roman greatness. Without it, a free state must ever lose much of its native and peculiar strength; the spontaneous and concurring zeal of its citizens. The charge of injustice and inexpediency in respect to the war, necessarily leads me to investigate its cause. It originated, as agreed on all sides, in certain commercial aggressions on the part of England, and her practice of impressing American seamen from American vessels on the high seas. Though I have named commercial injuries first, it is my intention to give impressment the preference in the order of discussion; not only because the war is continued for it, but because it is of greater intrinsic importance. The life and liberty of a citizen are more important to him and his country than his property; and consequently the obligation to protect the former is more sacred than the latter. To the truth of this position, our political institutions bear testimony. A single judicial process determines a question of property; but it requires a double investigation, first, before a grand and then a

petit jury, before the humblest and most suspected citizen can be deprived of life or liberty. This mode of thinking is worthy of a free people, and, in fact, essential to the permanent existence of their freedom. Yes; life and liberty, those precious gifts of Heaven, are, by our laws and constitutions, guaranteed to all. They may be abused, and thus become forfeited to the country; but cannot be taken away by the hand of arbitrary power. Let us bear these sentiments in our minds, and bring them in our bosoms to this discussion.

It is fortunate that the facts, connected with impressment, are few and undoubted. I set aside, for the present, the pretext and principle on which Great Britain acts in relation to it. None can deny that a great number of American sailors have been impressed from on board American vessels on the high seas, and, by force, compelled to serve a sovereign to whom they owe no allegiance, and to fight battles in which they have no interest. It is equally certain, that the practice is now of long continuance; and that negotiation has often, but in vain, been resorted to for redress. I say, *a great number*, without attempting to be more specific—because I do not conceive the exact number to be material; and also, because I do not wish to incorporate any thing the least doubtful in the statement. On this point, however, the two governments are pretty well agreed. Ours estimates the entire number taken at something more than 6,000; and the British government acknowledges that, at the breaking out of the war, they had sixteen hundred, at least, on board their public vessels. After deducting from our list the dead by battle and disease, the deserters and the liberated, it will be found that theirs exceeded our estimate. To the shame of the minority, they alone have attempted to throw any doubt on this point, and to diminish the injury of the enemy below their own acknowledgment. On this simple statement, there are two inferences so clear, that I feel it almost an insult to the understanding of

this committee to state them. I must seek for my apology in the efforts of our opponents to render that doubtful, which, in itself, is so manifest ;—I mean the violation of the rights and liberty of the impressed American seamen, and the correspondent duty imposed on their country to protect them. I know of no illustration of a proposition so perfectly clear. No head can be so impenetrable as not to perceive its truth ; no heart so callous as not to feel its obligation. For, who, in this community of freemen, is willing to renounce the claim of protection which he has on all,—or withhold the duty which he is under to all ? It is the essence of civil society.

Such, and so simple is the truth on which the cause of our country stands. On these essential facts and inferences we are on all sides agreed. The obligation of the government is established. How, then, are we to be absolved from so sacred a duty ? The impressed, the enslaved seamen have invoked the protection of their country. Shall it be extended to them, or shall it be withheld ? This is the question now proposed for our consideration, and which naturally introduces the various arguments of the minority on this important subject. They combat against inferences the most clear and powerful ; and proportionally perspicuous and strong must be the reasons to justify their conduct. I will commence with that which I believe to be most relied on, because most frequently and zealously urged in justification of our enemy. It is said that they take American seamen by mistake, and not on principle ; their object is to take their own seamen—but, from the impossibility of distinguishing them, the American seaman is impressed. The answer is plain and decisive. The argument is founded in a misconception. The duty which the country owes to the impressed sailor originates in a single fact, that he is unjustly deprived, by a foreign nation, of his liberty. The principle on which this is done, or the manner in which it is effected, is immaterial. Whether done on principle or by

mistake, may, it is true, have a bearing on the continuance of the practice and its future extent; for what is done by mistake or accident generally leaves the consolation that it will not probably occur again; but what is done on principle may be expected to continue. We have not even this hope. The evil is inveterate. The mistake, if one it is, must for ever happen, so long as the present practice is continued of impressing from American vessels. It, therefore, operates, as it regards us, as if it were the result of principle. I, however, deny the fact on which this justification rests. The object of England is not to take her seamen only. By recurring to official documents on this subject, it will be found, that she impresses persons on board of our vessels, who could not be mistaken for British sailors. She takes, indiscriminately, Dane, Dutch, Spaniard, and seamen of any nation. To speak another language and to wear a different complexion are, it seems, no evidence with the British government that they are not English sailors. What, then, is the principle of that government on this subject? If we are to judge by facts, and not by pretexts (which will never be wanting, if we are simple enough to believe them), it is this: they claim, at least as far as we are concerned, that every seafaring person found on the ocean is presumptively an Englishman, and bound to serve the crown of Great Britain. They admit, it is true, that this presumption may be rebutted in a single case; and in this only by the seaman *proving* himself to belong to the same country with the flag under which he sails. If, for instance, the vessel is American, that he was born in the United States. The impressing officer, the very person interested against him, is, however, the judge and jury who presides in this mock trial of nativity. It is thus the American flag is insulted. It is thus the American citizen is stripped of his liberty under its protection! At home, he holds his liberty under the protection of the most sacred laws; abroad—no, I will

not admit the distinction—for while under our flag he is still at home—he holds life and liberty at the mercy of every insignificant, drunken midshipman! But let us attend, for a moment longer, to the object of this principle of the British government, as illustrated by practice. A war in Europe, in which England is engaged, sooner or later extends to all the other powers in that part of the globe. In consequence of her superiority at sea, the navigation and commerce of other states are destroyed or suspended in a state of war; and their seamen, who cannot readily change their habits, are compelled to seek employment in foreign service. Until lately, the United States remaining neutral, and offering high wages, they naturally preferred ours. To this state of facts, her principle of impressing all foreign seamen was applied; and, by its operation, she forced those, who were by their own consent employed in our vessels, to serve, by compulsion, in her navy. Thus, by a single process, under the pretext of taking her own seamen, the commerce and navigation of the world are converted into a nursery to support the British navy; and the practice of impressment from neutrals, on investigation, is discovered to be, like all her other encroachments, a system of universal monopoly. Unless resisted by the steady and persevering efforts of other nations, she must eventually draw the commerce of the world into the vortex of her system.

It is next urged that this is an ancient custom on the part of England and Europe generally—that it is a part of the law of nations to impress on board of neutral vessels on the high seas. Those who urge this argument ought to substantiate it by a reference to the facts and to elementary writers on public law. Till this is done, it cannot be considered in a stronger light than a mere assertion. I, for my own part, do not believe that it ever constituted the custom of Europe, nor that of England, till since the period of the American war. If it were a general custom, why is it not

recognized by some of the many writers on the law of nations? They minutely state the cases in which a belligerent may enter a neutral vessel for the purpose of search. Why is not this also mentioned? None of the rights of search could be more important, or better deserve their attention than this, if any such really existed. Their silence, then, is decisive against the custom. I know that some English writers have set up an old claim, founded on the orders of their government; but there is no proof of acquiescence on the part of other powers; and if there were, it could not be obligatory on us. The law of nations is composed, principally, of usages originating in mutual convenience. Among the nations of modern Europe, who are distinguishable by their language and countenances, it is possible that impressment on board of neutral vessels may not be liable to the mistakes and abuses of which we complain; and that it might even be a mutual convenience. Such a custom, then, would not be extraordinary. But were those nations related, as are the United States and England, and the practice thus, from necessity, attended with incessant abuse, it never could exist. If our opponents, then, had proved, and not merely asserted, such a custom among European nations, as between us and England, our country would have formed an exception. It is not applicable to our condition; it is unequal, not reciprocal, and attended with grievous and constant abuses. As applied to us, then, the general usage—if such there be—ought to be modified by treaty, so as to suit the mutual convenience of both parties; an object which this country has ever been anxious to effect, but which has been studiously avoided by our enemy. If, however, our opponents still insist that it is a right under the law of nations, and must, notwithstanding the argument which I have advanced, be considered as applicable to us, we may meet usage with usage; or, rather, a doubtful uncertain usage, and opposed to reason, by that which is undoubted and founded in the

very nature of civil society. If to impress in neutral vessels be an usage of England and the rest of Europe, how much more general and indisputable is the custom of affording protection to their subjects against foreign violence! This is the usage which is certain and universal—not confined to any particular nation, nor originating in accidental circumstances. All States, the most weak and contemptible claim it; and it is so interwoven with the very elements of society, that it cannot be relinquished without certain destruction. On this custom, which combines both right and duty, we may oppose any pretext or claim of our enemy.

But, say some of our opponents, we are willing to defend native-born American seamen, but not the naturalized. I know not how they who make this distinction can answer a simple question founded on an admitted fact. American seamen—sixteen hundred at least—native-born American seamen—by the acknowledgment of the British government, are impressed and held in bondage. If, then, you are willing to defend such, why not support the war, now carried on solely in defence of right, outraged in the persons of these unfortunate citizens? What avail is the declaration, that you are willing to defend them, when you will not move a finger in their cause? But the distinction, between native and naturalized, is without truth or reason. It constitutes no part of the controversy between the two countries. We contend for the defence of American seamen generally. The enemy has not distinguished between the two classes. He insists on continuing a custom which makes both equally liable to his oppression. We have not—we shall not hear of a distinction, till some security is afforded against the abuses of which we complain. Till then, I can consider it only as an equivocation, which acknowledges the duty of the government to protect, but evades the discharge of it. We are told that our seamen ask no protection—and that it is strange those, who are most remote and least interested,

should discover the greatest anxiety in their behalf. As to the first part of this statement, I deny its truth. Our sailors have claimed our protection. They have importuned and invoked their country. We have had their applications for protection laid before this House in the form of a document. It forms a large volume. Considering the cold indifference with which we have heard their prayer, I wonder that they have not, long since, ceased to consider us as their guardians. But we who stand forth to discharge this sacred duty, are charged with being backwoodsmen, men who never saw a ship till convened here in our legislative capacity. Admit the fact; and what then? Such generous sympathy for those who stand connected with us only by the ties of citizenship, does honor to our country. I hope it is not strange. It is usual. Our history abounds with many instances of this sympathy of the whole with any and every part. When it ceases to be natural, we shall cease to be one nation. It constitutes our real union. The rest is form. The wonder is, in fact, on the other side. Since it cannot be denied, that American citizens are held in foreign bondage, how strange that those who boast of being neighbors and relations, should be dead to all sympathy—should not have the manly spirit to make a generous effort for their relief. There was a time when our opponents, to their honor, were not so cold on this subject. The venerable gentleman from Massachusetts, and another gentleman high in the ranks of his party, formerly felt and spoke on it, as we now do—like Americans. How unhappy the change! How unaccountable! Unless, indeed, we look to the poisonous effects of the spirit of systematic opposition—a spirit which, I lately observed on another occasion, clings more strongly to the cause of a party, than to that of the country.

But great frauds, we are told, are committed in the certificates of protection. I will not spend much time on this frivolous argument. What right has England to complain

of frauds, if they really do exist? Whether they do or not, I do not think worth the inquiry. The argument, taken at the best, can have no weight, except with those who think that the freeborn citizens of this country, under our own flag, are to be protected like a slave, by a pass in his pocket. To give weight to it, we must forget our rights and duties as an independent nation. The framers of the law under which the protections are taken out, did not design them as safeguards while navigating the ocean. The object was to identify the seamen, as Americans, in the ports of foreign countries; and this construction has been given to it by our Government in its negotiations with the British. In this view, the law is not unworthy of the wisdom and independence of our country; but I can scarcely conceive a greater national degradation, than would be involved in the scheme of affording protection to our seamen on the high seas, and under our flag, by a pass.

On the subject of impressment, one argument only remains to be replied to. The practice of taking seamen from our vessels is necessary, say our opponents, to the existence of England. I would be happy to know the reason why it is necessary. We have pledged ourselves by a law, which we offer to make the basis of a treaty, not to employ a single British sailor. The provisions of the bill are ample; and we are willing to give her every reasonable security on this point. When the assertion, then, is made, in the face of this law, designed to exclude *British* seamen, that the practice of impressing on board of our vessels is necessary to her existence, it must be meant—if any thing be meant—in relation to *American* seamen. If so, before we disregard our duty and surrender our rights to the disposition of a foreign power, I think it would be prudent to establish two points connected with this subject. In the first place, it ought to be clearly proved to be necessary to the existence of England. I, for one, will not agree to yield our independence on mere

assertion, however respectable the authority by which it is made. In the next place, it ought to be proved to be our duty to submit. The sense of moral obligation is peculiarly strong in the bosoms of the American people. However great the sacrifice, if our opponents can clearly establish it to be their duty, I dare pledge myself they will make it. Till both are satisfactorily proved, it would be highly unreasonable on their part to demand of the country an acquiescence in a practice so ruinous. Our existence is at stake, no less than that of England ; or, rather, the danger to her is imaginary ; to us, real and certain. An undeviating devotion to its duty is the blood and life of a free state. Habitual departure from it must, sooner or later, prove fatal. It infuses a poison into the system, which will corrupt and destroy. Take this very case. It is our duty,—most sacredly our duty, to protect the lives and liberties of our citizens against foreign oppression. Instead of doing this, we have, for many years, quietly beheld them forced into a hateful foreign service. What has been the reason of this conduct on our part ? The want of power ? No ; a vigorous and decisive effort, in the very first instance,—before the enemy had learned to be arrogant by our submission,—would have strangled the pretension in its birth. We yielded because we wished to enjoy the blessings of peace ; its ease, its comforts, above all, its means of making money. The practical language of the Government to the people was—it is better to be rich than to be virtuous. Can we, then, wonder at the alarming growth of avarice ? It is to be traced back, in part, to this original sin of our Government. The first American citizen impressed and not immediately liberated, was good cause, in my opinion imperious cause, of war. No calculation of gain should have prevented it. To do our duty is more important than to be rich.

Before I take my leave of this subject I will present to the committee, what I consider a confession of the justice of our

cause, and the correctness of our policy. I allude to the habitual and obvious misstatements which our opponents make on this subject. They say, we are continuing the war in order to compel Great Britain to renounce the right of impressing her own subjects. They must know that this is not the fact ; and that the charge is calculated to mislead the public mind. Why not state the matter as it really is ? Why not say, what they must know to be true, that the war is continued, in order to protect from impressment American seamen ? Is it not from a fear of the public sentiment ? And is this not a strong indirect acknowledgment that the principles we contend for, if understood, would meet with kind and congenial feelings in the bosom of the American people ? When the head is right, there is, among a free people, but little danger of the heart. When they are agreed in facts and inferences, they will never disagree in sentiment.

I will now proceed to consider the next cause of the war, the injuries done by Great Britain to our commerce. It is not my intention to speak of them in detail, or to consider them as particular acts injurious to our trading interests. This view has been often presented, and is well understood. I propose to ascend to their origin, and to point out the spirit and principles of the government from which they have proceeded. This view has not yet been taken, though it is of the most interesting nature. The detail of British injustice may rouse our indignation, but it is only by reflecting on the principles and character of her government, that we can justly appreciate the extent of our danger, and the measures best calculated to counteract it. Even the repeal of the Orders in Council, and the consequent suspension of commercial injuries, do not strip this view of the subject of any of its interest. For, it ought ever to be remembered, that the revocation (June 23d, 1812) of the celebrated orders of 1807 and 1809, expressly retains their principles.

They, then, only slumber ; and, as sure as we exist, her temper and policy will rouse them into action on the first suitable occasion, unless prevented by the firm and spirited conduct of this and other nations interested in a free trade.

The commercial policy of Great Britain, which has vexed and annihilated the commerce of every other nation, began distinctly to develop itself in the year 1756 ; from which time to the present, I assert, without the fear of contradiction, she has habitually struggled to enlarge what she terms her maritime and belligerent rights on the ocean, at the expense of neutrals. The assertion is based on historical facts, which the general information of most of the members of this committee will enable them to decide for themselves. I have neither the inclination nor the time to recite and examine the whole series in connection. I will content myself with taking a brief notice of some of the leading and most characteristic. At their head, in point of time, is the order which takes its name from the year already mentioned, and which distinctly marks the commencement of this policy. The character of this celebrated rule or order is so well known as to require no comment. In the war of our Revolution, she still further enlarged her maritime and belligerent policy, particularly in the shape of blockades, since so enormously extended. This, with other encroachments at the time, produced that association of nations called "THE ARMED NEUTRALITY." The object of this was, to check further encroachments, and to remedy those that already existed. It was acceded to by almost every nation of Europe. On the breaking out of the French Revolution, pursuing the same line of policy, she made further encroachments. One of the most considerable, and which was severely felt by this country, was, an enlargement of articles contraband of war, so as to extend them to the numerous and important articles of breadstuffs. This was during Washington's administration ; and constituted the principal one of

that period of our history. Preparations were then made to appeal to arms for the redress of so serious an injury; but this was prevented by England's agreeing to make compensation for the injuries which we had sustained. With such spirit did our Government then act, although the injury then sustained dwindles into nothing, compared with the present; and with so little accuracy has a gentleman from New-York (Mr. Grosvenor) spoken, who not only magnified the aggressions of that period above those of the present, but stated that Washington was unwilling to resort to arms for redress. In the present war with France, her maritime and commercial policy has hastened to its perfection. In the year 1805, it assumed an aspect most threatening to our commerce. It fell on our carrying trade, at that time in a most flourishing condition. Be it remarked—let it be laid up in your memory—that the old rule of '56, the parent of all these aggressions, was then, after many years, revived, and made the apology for premeditated wrongs. Just so may we expect the revoked orders to revive. Blockades and Orders in Council followed the destruction of our carrying trade. They have been too recent and too severely felt, to need a particular recital. Negotiation was tried—negotiation failed; and the injuries continuing, have ended in the present relation between the two countries.

The English maritime and belligerent policy is not only such as I have stated it to be, but it is a policy peculiar to her, and is in opposition to the interests of the rest of the world. It is the interest and wish of all other civilized nations to ameliorate, or, if the expression is justifiable, to humanize belligerent rights on the ocean. England stands alone. To establish this position, it would be necessary to consider, a little more in detail, the series of facts to which I have already alluded; but, as I am fearful of being tedious, I must check my inclination, and confine myself to a few observations only.

A signal proof of the peculiar policy of England may

be found in the history of the *armed neutrality*, which had for its object, as already observed, the restriction of some of those pretended belligerent rights. Russia, Sweden, Denmark, Portugal, Spain, and even France, though then a belligerent power, acceded to it. England alone refused. It may, however, be said, that France, too, has often committed injuries on neutral trade. The fact is admitted. But, without wishing to apologize for her, I conceive there has been a marked distinction (arising out of her situation) between her conduct and that of England. The latter has steadily pursued a policy hostile to neutral commerce on established principles; the former has been irregular in her hostilities, indicating more of passion than of system. Besides, she has always expressed a regret for her injuries, and represented them, however unjustifiable, as intended to counteract schemes of England.

It remains now to prove what is the tendency of the British maritime and commercial policy; and in what, if not counteracted, it must terminate. Reason and the general convenience of nations have for centuries established certain usages, by which belligerent powers are, in many instances, restrained from doing all the injury they can to each other, from a regard to the interest of others. These usages constitute the rights of neutrals, which are, for the most part, well defined by the many writers on the laws of nations. Under the cover of, what she calls, her belligerent and maritime rights, the object and tendency of the British policy is, to throw off those restraints on the ocean. It is, in fact, to undo all that has been done in favor of civilization on that element, and to return to the lawless state of barbarous ages. It is the interest of every other power to restrain her within the limits of the ancient barriers; for if they are once transcended, there are no limits but what her power or interest may prescribe. Neutral commerce, as such, will be annihilated. She will judge and decide, according to

her pleasure, what is beneficial to her enemy, and what to herself. The former will be destroyed, the latter spared. Nor will the evil stop here. The waves of power are incessantly washing away the mounds that restrain them. The transition is easy from this boundless extension of her belligerent policy, to a system of universal monopoly, in peace as well as in war—a system which considers the ocean as her peculiar domain.

I omitted, in its proper place, an argument which strongly illustrates this part of the subject ; I allude to the great changes made in the British courts of admiralty. Formerly, they held jurisdiction, like all similar tribunals in other countries, under the laws of nations only. They were as the creatures of those laws, and intended only to carry their rules into execution. They were, of course, not under the municipal laws of the country where they happened to be located, as far as it regarded the rules of their decisions. Thus constituted, they were one of the principal ornaments of the civilization of modern times. The whole of this is now reversed. The courts of admiralty receive laws as regularly from the British Government, as those of Westminster. The only difference is, that the statutes of Parliament prescribe the rules of decision to the one, and the Orders in Council to the other. It is thus that England legislates for the ocean, and, consequently, for the world, on that great highway, and has her proper tribunals, with commensurate jurisdiction, to carry into effect her laws. But why should I consume time to prove her maritime policy ? Who is there so stupid as not to see and feel its effect ? You cannot look towards her shores and not behold it. You may see it in her parliament, her prints, her theatres, and in her very songs. It is scarcely disguised. It is her pride and boast. The nature of her policy is then manifest and admitted ; but it will be asked, how can you counteract it ? I answer, by the measures now being pursued ; by force, by

war ; not by remonstrance, not by negotiation, and still less by leaving it to itself. The nature of its growth indicates its remedy. It originated in power—has grown in proportion as opposing power has been removed—and can only be restrained by power. Nations are, for the most part, not restrained by moral principles, but by fear. It is an old maxim, that they have heads, but no hearts. They see their own interests, but do not sympathize in the wrongs of others. Such is the fact in relation to England. When neutrals are numerous and powerful, their rights are, in some degree, respected by her ; when few and inconsiderable, despised. This last has been the unfortunate state of the world for the last twenty years. That counteracting influence, that repulsive power by which she was bound to her proper orbit, has been almost wholly removed. This country alone was left to support the rights which belong to neutrals. Perilous was the condition, and arduous the task. We were not intimidated. We stood opposed to her usurpation, and, by our spirit and efforts, have done all in our power to save the last vestiges of neutral rights. Embargoes, non-intercourse, non-importation, and, finally, war, were all manly exertions to preserve the rights of this, and of all other nations, from the deadly grasp of British maritime policy.

But, say our opponents, these efforts are vain—and our condition hopeless. If so, it only remains for us to assume the habit of our condition. We must submit—humbly submit—crave pardon—and hug our chains. It is not wise to provoke, where we cannot resist. But let us be well assured of the hopeless nature of our condition before we sink into submission. On what do our opponents rest this despondent and slavish belief ? On the recent events in Europe ? I admit they are great, and well calculated to impose on the imagination. Our enemy never presented a more imposing exterior. His fortune is at the flood. But I am admon-

ished by universal experience, that such prosperity is the most fickle of human conditions. From the flood the tide dates its ebb; from the meridian, the sun commences his decline. There is more of sound philosophy than fiction in the fickleness which poets attribute to fortune. Prosperity has its weakness—adversity its strength. In many respects our enemy has lost by those very changes which seem to be so much in his favor. He can now no more claim to be struggling for existence; no more, to be fighting the battles of the world, in defence of the liberties of mankind. The magic cry of *French influence*, is lost. Hence were drawn those motives which stimulated her efforts into fiercest action, which united the continent to her cause, and, in some degree, damped the ardor of her rival in power. Even here, in this very hall, we are not strangers to its magic tones.—Even here the cry of *French influence*, that baseless fiction, that phantom of faction, though now banished, once often resounded. I rejoice that the spell is broken, by which it was attempted to bind the generous spirit of this country. The minority can no longer act under cover; but will be obliged to defend their opposition on its intrinsic merits.

It is not in this respect only, that our enemy has lost by the late events. The tremendous and exhausting conflicts of this, and the preceding campaign, seem, at last, to dispose the continental powers to peace. If they have a just conception of their true interest, and are not prevented by British gold and intrigue, a continental peace will ensue. There certainly is much alarm in England on the probability of such an event. Should it, fortunately, be the case—should the allies prove content with their fortune, and France submit to her present limits, all Europe must speedily combine against the British maritime policy. The great power on land being crushed, to use the language of our opponents—but more properly being forced within proper limits, the great monopolist of the ocean will, I trust, be the next ob-

ject of fear and resistance. The principle of the armed neutrality is not, and cannot be forgotten. It exists essentially in the policy of modern Europe. Ever since the discovery of the passage round the Cape of Good Hope, and of this continent, on which we enjoy the proud pre-eminence of being the first great civilized power, a great change has been gradually working in Europe. For two centuries, the character of that part of the world has been eminently trading and commercial. The habits of every part are formed more or less on this state of things. There lives scarcely a human being, from the ice and snows of Siberia to the sunny plains of Italy, who has not some habit, the gratification of which depends on commerce. Hence it has become an object of primary policy. The wars in Europe, for many years past, have, with few exceptions, been, more or less, connected with it. The policy of every court has been to obtain commercial supplies on the best terms, and, as much as possible, through the agency of their own subjects. With such habits and policy, it is impossible they can behold with indifference the monopoly of Great Britain. They will not quietly suffer the common highway of nations, intended by a kind Providence for the common intercourse and benefit of all, to be converted into her exclusive domain. No ; the ocean cannot become property. Like light and air, it is insusceptible of the idea of property. Heaven has given it to man equally, freely, bountifully ; and all empires attempted to be raised on it, must partake of the fickleness of its waves. A policy so injurious to the common interests of mankind, must, sooner or later, unite the world against her. For many years her encroachments have advanced without exciting much jealousy. The attention of all the nations of Europe has been exclusively directed to the maintenance of their existence, menaced by the power of France. To preserve life was more important than to acquire comfort ; so to resist that power was more imperious than to oppose England. Libe-

rated now from fear, they will soon have leisure to attend to their interests. The difference between our policy and that of other nations, in this respect, is only in appearance, and not in reality. Each acted in a manner suited to the circumstances in which it found itself. Attachment to France, as proclaimed by British partisans, formed no part of our policy. We were safe from the danger with which her power menaced other nations. A broad ocean was our immediate security. We resisted the power which then and now presses on us, and which will soon cause itself to be felt and resisted by all. Should the course of events be such as I have indicated, then will the wisdom and spirit of our country be universally applauded. Our situation was trying and responsible. We, alone, had to sustain all the rights and duties which attach to the neutral character. We were not intimidated by its difficulties. We dared, single-handed as we were, to make a stand against the favorite and obstinate policy of our enemy. The present and temporary interests of commerce were nobly surrendered for its permanent advantages. The example can scarcely fail to produce its effect. But if, unfortunately, we should be left alone to maintain the contest; and if, in consequence (which may God forbid), necessity should compel us to yield for the present, yet our generous efforts will not have been in vain. A mode of thinking, and a tone of sentiment have been excited, which must stimulate to future and more successful struggles. What we may not be able to effect with eight millions of people, will be done with twenty. The great cause will not be yielded. No; never! never! We cannot renounce our rights to the ocean which Providence has spread before our doors; nor will we ever hold that, which is the immediate gift of Heaven, under the license of any nation. We have already had success worthy of our cause. The future is audibly pronounced by the splendid victories over the Guerriere, Java, and Macedonian. We and all nations, are, in them, taught a lesson

never to be forgotten. Opinion is power. The charm of British naval invincibility is broken.

In this, the only just view of our contest, how pitiful appear the objections of our opponents! Some *pecuniary difficulties* in Massachusetts, and in other places! And must we, for them, renounce our lasting prosperity and greatness? Have we no fortitude?—no self-command? Must we, like children, yield to the impulse of present pleasure, however fatal? If the maritime parts of Massachusetts suffer, let them remember, that if the war should be successful—if our future commerce and navigation should be secured, they will partake most largely in the advantages, common and great, indeed, to all, but peculiarly so to them.

Suppose that our opponents, who object to every thing, had been at the helm of government, and that an opposite line of policy had been pursued:—no embargoes—no non-intercourse—no non-importation acts—no war—and, in fact, no resistance to the injuries and aggressions of Great Britain; who can be ignorant of what would have been the consequence? They would have multiplied in number and degree, till our commerce would have been annihilated. Unresisted, they would have constituted future principles, and our acquiescence been construed into an acknowledgment of their truth. Then would we have felt—what the experience of all ages has taught—that it is far more easy to maintain, than to wrest back usurped rights. Wrongs, submitted to, produce contrary effects in the oppressor and the oppressed. Oppression strengthens and prepares for new oppression; submission debases to further submission. The first wrong, by the universal law of our nature, is most easily resisted. It excites the greatest degree of union and indignation. Let that be submitted to; let the consequent debasement and loss of national honor be felt; and nothing but the grinding hand of oppression can force to resistance.

I know not which to pronounce the most guilty: the nation that inflicts a wrong, or that which quietly submits to it. In other respects, the difference is marked. The former may be hated, but is respected—at least feared; while the latter is below pity, or any other feeling of the human heart but sovereign contempt. In submission, then, there is no remedy: our honor lost; our commerce under the control of our oppressor;—what next? The hopes and fears (those universal instruments of government) of the whole mercantile section of this country, and all connected interests, would be turned towards Great Britain; for the power of legislation over our commerce would be virtually transferred from the American Congress to the King in Council. Need I trace the consequence? Need I paint the corrupt and debasing influences? The beams of the mid-day sun are scarcely more clear. The very contempt which such baseness would excite—justly excite—in our enemy, would insure our subjugation. It is impossible to allow any right, much less independence, to that which creeps and licks the dust. Such is the condition of our nature. We must have the spirit to resist wrong, or be slaves. Such were the alternatives presented to our country, and such would have been the result of the opposite policy, now recommended and applauded by our opponents.

I have now said all I intended on this most interesting view of our cause. It has an elevation and clearness which renders it attractive to my mind. I love to dwell on it, because it imparts a steady and clear conviction of the wisdom and necessity of that course of measures, to the adoption of which, it is my pride to have in part contributed. I feel how little interesting all the common topics of opposition are, after the view already taken. The descent gives a shock, which I know the committee will partake with him who is addressing them. If, however, they will continue their attention, I will offer a few observations on a subject which

has made a principal figure in the speeches of our opponents. I allude to the character which they give to this war, as offensive, and not defensive. On this point, I spoke fully when the Army Bill was under consideration. What was then said, has been introduced and objected to on this occasion. I then stated, that the difference between an offensive and defensive war consisted in the motive and cause. If, for instance, a war is forced on the nation waging it, by the oppression of that against which it is declared, it would be defensive, however it might be carried on; but if, on the contrary, it originated in ambition, or any other improper motive, it would be offensive. This distinction is not only supported by reason, but by the declamation of our opponents. They have, for almost two years, been in the habit of denouncing offensive war. They, then, acknowledge that such a war is wicked; and how can it bear that character but by its cause? It seems, now, that they have changed their grounds. We hear no more of the wickedness of offensive war; but, what is most strange, all their efforts are directed to prove, that it may be an innocent and virtuous thing. That nation, say they, is engaged in an offensive war, who first assumes a warlike attitude. However just, however necessary the cause, the war is still offensive. Be it so. I care not for words. My answer is decisive. If my conception be just, that an offensive war is to be tested by the cause, I then pronounce ours not to be of that character; but, if their definition be correct, then an offensive war may be most just, most virtuous, and necessary; and all their declamation against it is idle and unmeaning rant. I tender an option, and care not which is taken. They who defend a bad cause, act imprudently in descending to particulars. Our opponents, by doing so in this case, have furnished the best reply to their own arguments.

On expatriation and retaliation I will say nothing. The hour is late, and I feel myself somewhat exhausted. I pass

them by the more cheerfully, as the gentleman from Louisiana (Mr. Robertson) and my colleague have replied fully to the objection urged on those subjects. Before I proceed further, it will be necessary to restate the propositions with which I commenced, so that the entire chain of the argument —both that which has already been advanced, and what remains to be submitted—may be distinctly seen.

It will be remembered that I reduced all the arguments and objections of our opponents to the passage of this bill, under two general heads. First, that the loan cannot be had; or must be obtained, if at all, at an exorbitant interest. Second, that if it can be, still it ought not to be granted, because the war is unjust and inexpedient. I also stated, that the latter comprehended the assertion of the injustice and inexpediency of the war, and the assumed inference, that, if true, the minority would be justified in their opposition both to the bill and to the war. On the alleged injustice and inexpediency of the war I have presented my opinions, and, I trust, satisfied the committee that its justice is demonstrably clear, and its expediency unquestionable; or rather, its necessity imperious, if the preservation of the independence of the country constitutes political necessity.

But is it justifiable to withhold the loan, even admitting the war to be, as alleged by our opponents, unjust and inexpedient? This is the question now proposed to be discussed. It contains the practical consequence of all that has been said in opposition. Few propositions involve principles so deeply connected with the lasting prosperity of our republican institutions; and, in regard to which, consequently, it is more necessary to think correctly. Error here cannot be indifferent. A false mode of thinking must endanger the existence of the republic. I must, then, again entreat the attentive and deliberate audience of the committee, while I offer my opinions and reasons on so interesting a subject.

In considering the question,—how far, in a war, thought

to be unjust or improper by any portion of the people, they would be warranted in their opposition, after it is constitutionally declared,—I shall leave out of view such as involve extreme or flagrant injustice. A war, impious or sacrilegious, cannot be governed by the general rules which apply to ordinary cases. At least, it is not necessary for me to consider such extreme cases, as none can impute such a character to the present.

I have already stated that the sum proposed to be raised by this bill, is indispensably necessary to meet the expenses of the ensuing year; and that, if it is withheld, it must communicate a fatal shock to public credit. In that event, not only the invasion of Canada would be prevented, which some gentlemen state to be their object, but the whole operations of the war—even viewed as defensive in the strictest sense—would be abandoned. Officers and soldiers will no more serve in our garrisons than in Canada without pay. It is idle to talk of only preventing the reduction of the enemy's provinces by withholding the loan. Nor can gentlemen be serious. They have opposed every attempt to raise supplies, in whatever shape it has appeared. They appear to be bold in facing bankruptcy. But have they reflected on the disastrous effects of their efforts, should they be successful? The old and recent creditors of the Government, the army, the navy,—which they boast of cherishing,—in a word, every individual would feel the calamity; for private, no less than public credit would partake of the shock. I am wholly at a loss to perceive on what principle of expediency, policy, or morality, such conduct can be justified. Surely it is not a self-evident proposition, that, because the war is simply unjust and inexpedient, in the opinion of the minority, therefore, they have a right to involve the country in ruin, and place it, bound as a suppliant, at the feet of a haughty enemy. They, then, ought to state some intelligible and satisfactory principle on which this conduct may be justified.

I have sought with attention, but have not found, the semblance of such an one. On the contrary, all the analogies of private life, as well as of reason, forbid and condemn the conduct of our opponents. Suppose a father to do some act, which, in the opinion of a son, is not strictly just or proper, by which he becomes involved in a contest with a stranger, would the son be justified in taking part against him? How much less, then, can any party be in opposition to their country in a war with another nation? for it stands in the place of the common parent of all; and comprehends, to use the language of a member from North Carolina (Mr. Gaston), "*all the charities of life.*"

But what must be thought of the motives and conduct of the minority, when I state that much the greater part of the expenses of the war, for which this bill is intended in part to provide, has been incurred by their votes as much as by those of the majority? I hold in my hands the journal of the first session of the Twelfth Congress; by which it appears, that the Report of the Committee on Foreign Relations was supported not only by the votes on this side of the House, but by a decided majority on the other. The report ended in recommending six resolutions to the adoption of the House:—To fill up the old establishment; to raise ten thousand additional troops; to increase the navy; to provide for calling out the militia; and to authorize the arming of private vessels. On the first of these, there was a minority of eleven votes only: so unanimous was this House at that time! On some of the others, it is true, it was more considerable; but all met with the support of gentlemen on the other side. What ought to be particularly noted is, that when the Senate and this House disagreed on the second resolution,—to raise an additional number of regular troops, the former supporting twenty-five thousand men, and the latter, at first, ten thousand men, the Senate's proposition, increasing the number, was passed by the votes of the mi-

nority. The leading men on the side of the opposition at that time—among whom was a gentleman from Massachusetts, well known in this country (Mr. Quincy), and another from New-York, of great influence (Mr. Emmot), and many whom I now behold—voted for the report. I have taken the trouble to turn down the pages where the respective votes are recorded, for the satisfaction of any member who may desire to see them. With what countenance can our opponents, then, withhold the supplies for expenses incurred by their own votes? Will they say that they knew not the object of the report? Miserable the excuse—and such as it is, not founded on fact. War with Great Britain was unequivocally announced; and even the invasion of Canada, now so hateful to them, was distinctly avowed. Was their object to embarrass, and, finally, to put the majority out of power? Will they dare to make an avowal so disgraceful to their party? The truth is, that the necessity of the war was, at that time, almost universally acknowledged; and, as to its justice, no one doubted it. Its injustice was an invention of a period long subsequent. It is thus that consistency, no less than reason, ought to check the minority in their opposition, and to induce them to unite with us to carry on the war to a successful issue.

I would be glad to know what limits our opponents have prescribed to their opposition. If the supplies may be withheld because the war is unjust and improper in their opinion, will not the same reason justify every species of resistance, both in and out of this House? If the public faith solemnly plighted—if the happiness of the country, are no checks to opposition, I see no reason why the laws or the constitution should be. Let some intelligible limitation be prescribed. I see none—to me it appears lawless. I know it will be said,—Is all opposition to be proscribed? Is none justifiable? We proscribe nothing. We propose no law,—no restraint on the conduct of the minority. We appeal to the

virtue and the intelligence of the community only. On the people must finally fall the ruinous effects of erroneous and dangerous principles. If our liberty be lost, theirs will be the cost. Our constitution supposes a degree of good sense and virtue in them adequate to self-government. If the fact be not so, our system of government is founded in error. They, only, can arrest the effects of dangerous opposition. What they permanently condemn will meet with no support here.

How far the minority in a state of war, may justly oppose the measures of Government, is a question of the greatest delicacy. On the one side, an honest man, if he believe the war to be unjust or unwise, will not disavow his opinion. But, on the other hand, an upright citizen will do no act, whatever he may think of the war, to put his country in the power of the enemy. It is this double aspect of the subject which indicates the course that reason approves. Among ourselves, at home, we may contend ; but whatever may be requisite to give the reputation and arms of the republic a superiority over its enemy, it is the duty of all, the minority no less than the majority, to support. Like the system of our State and General governments,—within, they are many,—to the world but one,—so it ought to be with parties :—among ourselves, we may divide,—but in relation to other nations, there ought to be only the American people. In some cases it may possibly be doubtful, even to the most conscientious, how to act. This is one of the misfortunes of differing from the rest of the community on the subject of war.

I cannot refrain from alluding to an observation made by a gentleman from North Carolina (Mr. Gaston), connected with this view of the subject. Speaking of the reduction of Canada, he observed, that his judgment and feelings were at variance ; that when he consulted the former, he believed our efforts would be unsuccessful ; but

when the latter, his regard to the interest of his country led him to hope for success. I do not allude to this observation with a view to point out any contradiction between it and his opposition to the passage of this bill ; though I think it would be difficult to reconcile them. My object is to make an open acknowledgment to him, for what I think the commencement of a more correct mode of thinking in relation to the war. I thank the gentleman for his good wishes ; and for that expressed in relation to the reduction of Canada. I know it does not contain an approbation of the attempted conquest ; but it comports with the conduct of a good citizen,—since the attempt is determined on by the constituted authorities,—to wish it well. This seems to me to be in the true spirit of an honest opposition ; and I hope it will be so extended as to influence the general conduct of the minority. It is thus we may divide among ourselves, and the national strength be left unimpaired. For I do not agree with those members of the minority, who assert there is no loss of strength by their opposition. We are asked by them, "*Why have you not effected your object ? You command the purse and the sword of the country, and can order whatever is necessary to be done.* I answer :—Because we have not your good wishes. This only can add heart to heart. Government, it is true, can command the arm and hand, the bone and muscle of the nation ; but these are powerless—nerveless, without the concurring good wishes of the community. He who, in estimating the strength of a people, looks only to their numbers and physical force, leaves out of the reckoning the most material elements of power —union and zeal. Without these, the former is inert matter. Without these, a free people is degraded to the miserable rabble of a despotism ; but with these, they are irresistible.

The same gentleman made an assertion which I am bound to contradict. He asserted, without attempting to prove, that this House has degenerated into a mere registering

body of executive edicts. A sense of decorum prevents me from speaking of the charge with merited severity. I will not meet the assertion with arguments, but assertion. It is easy to assert, but slow and difficult to prove: It were hopeless to oppose the latter to the former;—the creeping pace of the one is no match for the winged rapidity of the other. I then assert, that what the gentleman has said is untrue in fact.

[Here Mr. G. entered into some explanation, and denied the use of the word "*registering*"; and concluded by wishing to know, in what sense Mr. C. used the word, *untrue*.

Mr. C. said, simply as implying, that the fact is not as Mr. G. stated; and that he had too much respect for him to have used it in any other sense. He then proceeded.]

Some arguments and observations of mine on a former occasion, in regard to the nature and character of opposition, have, in this debate, called forth replies from many of the minority, and particularly from the gentleman just alluded to. He asserted that a majority might also be a faction, and citing the Federalist in proof of this position, stated the additional fact, that, when it is one, it is far more dangerous than a factious minority. If the gentleman had been more attentive, he would have found that there was nothing in my arguments to contradict the position taken in the Federalist. What I said was in reply; and was intended to refute the assertion of our opponents on that occasion—that all the misfortunes and miseries of free States originated in the blunders and folly of majorities. The error of this opinion I then sufficiently exposed, both by experience and reason. It has found no advocate on this occasion. I will not again repeat the reasons; but simply restate—that opposition, in free States, is strongly inclined to degenerate into a struggle for power and ascendency, in which attachment to party becomes stronger than attachment to country. This opinion, I conceive, is incontrovertibly established; in fact, its truth

is but too manifest to all who have looked into the character of man, or are acquainted with his history. On the other hand, I feel no disposition to deny that the majority may, possibly, become factious—that is, cease to consult the general interest. I claimed no peculiar exemption for them—it made no part of my argument—I stated principles, but left their application to the good sense of the community. Much less do I feel disposed to contest the position that, if such a majority could, and should, by any misfortune, exist in this country, it would be more dangerous than a factious minority. I cannot doubt, for instance, that if the present minority could be swelled into a majority by the addition of one-third more to their ranks, and that they should, when in power, retain all the principles which I hear them daily advance in this House, they would not only be more dangerous than they now are—when their power is, to divide and distract; but that it would be the greatest calamity that could befall our country.

A very important view of the subject yet remains to be presented to the committee; but I fear the hour is too late, and I am too much exhausted to enter as fully into it as it deserves. The topic alluded to is—the effects of this war; which has been pronounced so ruinous by our opponents. On examination, strong reasons will be found for the opinion, that it is daily producing the most solid and lasting advantages to the community.

It has already liberated us from that dread of British power, which was almost universal before the declaration of war. If we have done little against our enemy, he has done still less against us. What the state of public feeling was on this point, may be, in some degree, inferred from the debates in this House before the declaration of war. I cannot but express my surprise at an assertion of a gentlemen from Virginia (Mr. Sheffey), that all his fears and predictions had been realized. Has he already forgotten the speeches in

which he and his friends portrayed the effects of the war in glowing and terrific colors? Rebellion, civil war, prostrated liberty, and conflagrated towns, all mingled in one horrid group. (Mr. Sheffey here explained.) It seems that the gentleman has availed himself of the usual privilege of political prophets. If events turn out any thing like their predictions, they are claimed as fulfilments; but if entirely the opposite, they are explained away.

There is no one who hears me, but will acknowledge, that the dread of England was great and general. Her power over our hopes and our fears was too great for our complete independence, and but illy comported with the steady pursuit of our own peculiar interests. From this state the war has liberated us, I hope for ever.

We have also acquired, in some degree, and are progressively acquiring, what to me appears indispensable in the present state of man and the world—military skill and means, combined with the tone of thinking and feeling necessary to their use. Occasional privations are always to be encountered in the defence of national rights, and the habits necessary to meet them with fortitude are of the greatest importance. I know how much this country is attached to peace and quiet industry. I know how delightful repose and safety are to our nature. But universal experience, and the history of those nations with whom we are necessarily connected, forbid me to indulge in the pleasing dream, that any degree of prudence or justice on our part can render such a state perpetual. The ambition of a single nation can destroy the peace of the world. We must, then, submit to the inscrutable law of our nature, which forbids the hope, in this world, of uninterrupted peace and enjoyment. We must, also, as prudent men, rejoice in the acquisition of those national qualities necessary to meet the vicissitudes of war when unavoidable. Connected with this subject, I rejoice to behold the amazing growth of our manufacturing interest. I

regret that I cannot present my thoughts fully on this important subject. It will more than indemnify the country for all of its losses. I believe no country, however valuable its staples, can reach a state of great and permanent wealth, without the aid of manufactures. Reason and experience, I conceive, support this position. Our internal strength and means of defence are, by them, greatly increased. War, when forced on us hereafter, will find us with ample means; and will not be productive of that distressing vicissitude which follows it, where the industry of the country is founded on commerce, and agriculture dependent on foreign markets. Even our commerce, in the end, will partake of the benefits. Rich means of exchange with all the world will be furnished to it; and the country will be in a much better condition to extend to it efficient protection. I have merely suggested the topics for argument on this important branch of our political economy; and conclude by expressing the hope, that, on some future occasion, they will receive a suitable discussion.

SPEECH

On the repeal of the Embargo and Non-Importation Act, delivered in the House of Representatives, April 6th, 1814.

[Note.—April 4th, 1814. The unfinished business being postponed with that view, Mr. Calhoun, the Chairman of the Committee of Ways and Means, reported a Bill, "To repeal an Act laying an embargo on all ships and vessels in the ports and harbors of the United States, and so much of any act or acts, as prohibits the importation of goods, wares and merchandise, of the growth, produce and manufacture of Great Britain and Ireland, &c.," which having been twice read,

was referred to the Committee of the Whole. Mr. Wright of Maryland objected to this reference, because, the Bill coupled two objects, which ought to be kept separate; and moved a recommittal to the same committee, with instructions to report two separate bills. This motion was overruled by the Speaker, and the question, on referring the Bill to the Committee of the Whole, was carried by a large majority. On Wednesday, April 6th, the House resolved itself into a Committee of the Whole on this Bill, when Mr. Calhoun made the following speech in support of it. There were numerous amendments offered which were negatived, and the Bill was ordered to a third reading and passed the next day, by a vote of 115 to 37.]

In order, Mr. Chairman, to judge of the propriety of the measure embraced by the bill, it will be necessary to go back to the nature and character of the war in which this country is engaged. It is, as has been emphatically and correctly stated, a war for Free Trade and Sailors' Rights; and such must be the character of every war in which we may engage. We are so far removed from European contests, that we shall never enter into the struggles for continental power in that quarter of the world. Not that we should be indifferent spectators of the events in Europe—because the changes there may have a considerable bearing on the affairs and interests of this country; but the interest we feel in them is not of such a character, as to make us a primary party in any of their contests. But one circumstance always accompanying European struggles, will, more or less, involve the rights of this country. Of such a character is the British commercial or maritime policy, which, in its effects, tends to destroy the free trade of this country, and also to infringe the rights of our seamen. In this point of view, it is a matter of great importance that we should duly reflect on the character of the present contest, to decide what part this country ought to act, and what principles should now govern our conduct.

The policy of Britain, which is to contract and limit neu-

tral rights, and which if not resisted must annihilate them, will always have a strong bearing on the United States. But that policy will not stop here ; it will affect the interests of every country in Europe, and place them, more or less, on the side of this country in resistance to it. It then becomes a matter of policy to unite those countries, interested in the cause of free trade, in the struggle which we are obliged to make against the usurpations of the enemy. In this point of view, the most liberal and generous policy ought to be pursued by us as to the other countries of Europe, and particularly to the great Northern powers of Sweden and Russia. But it may be said, our past measures contradict this leading principle of policy. I think not. The restrictive system sprang from an unusual state of things : it was a pacific policy arising from the extraordinary state of the world, at the time we embarked in it ; and, of course, was a temporary, rather than, a permanent policy. On looking back to its origin, gentlemen will find it to be such as I have stated. It originated at a moment when every power on the continent of Europe was arrayed against Great Britain, and not one of them was then interested in the support or defence of neutral rights. There was scarcely a port in Europe, which, at the commencement of our restrictive system, was not occluded to British commerce. In this state of things the United States, in order to avoid war (not having taken the resolution, at that time, to declare war), resorted to the restrictive system—resorted to it because the extraordinary state of the European world presented a prospect, that the strong pressure of this system on Great Britain might save the country from the contest into which we have since been reluctantly drawn. Such was the character of the Embargo measure, originating from the posture of the world at that day, when it was resorted to without the prospect of its producing an impression on neutral powers—for there were then no neutrals. Gentlemen may say, that in this view of the restrictive system, it ought to have terminated

at the commencement of the war. To be candid, that was my opinion; and when a motion was made by a gentleman from Massachusetts (Mr. Richardson) to that effect, I advocated it on the ground, that the restrictive policy was opposed to the war. That motion was not successful; but it was rejected by a majority of one vote only,—so many members of the republican party agreeing with me in that opinion, as almost to have carried the question at that time. But why was the system not then terminated? The reasons will be obvious to all who revert to the circumstances of the period. The state of the world which originally induced us to adopt the system—which gave great energy to it, remained unchanged. All Europe was still occluded to British commerce; the war between Russia and France had not then broken out—Russia had not then opened her ports to British commerce.

This, then, is the governing motive which prevented the repeal of that system. Had the state of the world been then what it now is; had all the European world, France excepted, been open to British commerce; had there existed neutral nations on the continent of Europe, of power and influence;—had this state of things then existed, there is the strongest reason to believe, from the small majority against the resolution of the gentleman from Massachusetts, to which I have alluded, that the restrictive system would have been terminated by the war. As to my own views of the system, I thought it ought to have terminated in war earlier than it did. In this respect I disagreed with gentlemen on the other side of the House, with whom I then voted. They wished for neither war nor restriction.

But let us now attend to the present state of the world. What is the condition of England? As between us and Great Britain, there are many nations of great power now in a neutral condition: Russia, Sweden, all Germany, Denmark, Prussia, Spain (for even she may be considered neutral), and perhaps Holland. Under the entire change of

the circumstances of Europe, ought not the restrictive system to terminate? Indubitably—indubitably;—because all the reasons which justified and recommended its continuance have now ceased. It was originally resorted to as a pacific measure. War having been declared, as a war measure it was continued —as a measure of force, because all Europe was shut against our enemy. All Europe being now open to her, that reason has ceased. Suppose we persist in the measure. Does any one believe that England will feel its effects as she did when the continent was shut? Certainly not. But in addition to this consideration, the fact is, that we are now contending for free trade, and ought to propitiate, as much as possible, every nation which has the same interest as ourselves in its maintenance: in one word, it is our interest to attach the friendship of Russia, Sweden, Denmark, Holland, and of all nations who have a deep interest in free trade, to our cause. I have a strong impression, that if we open our ports to them, and the maritime usurpations of Britain continue, they will, in time, make common cause with the United States; that, in time, their weight will be thrown into the scale with us to counteract her policy. It will not be decorous or wise for the United States, standing up for the freedom of trade, to pursue a course of policy calculated to irritate those nations with whom they may have common cause. What said the Emperor of Russia in relation to our war with Britain, when apprised of it? He expressed his solicitude for the trade with America, and regretted that our difference with Great Britain would interrupt it. This sentiment he expressed at the moment when France and her allies were marching against him, and he did not know how soon they would plant their standard in his capital. That sentiment must have still greater influence with him now, when his enemy is repelled. The same feeling which governed the Emperor of Russia in this respect, must, in a greater or less degree, govern every nation on the continent of Europe,

whose interests are the same. In the proposition which has been made to France on the part of the allies, a solicitude has been evinced on this subject, which, if this country shows a disposition to extend the benefits of its commerce to the European continent, must have weight in the British cabinet. We ought never to forget the reasons which forced us into war. Anxious to maintain our neutral position, and enjoy the benefits of neutral trade, we for years closed our eyes to the aggressions on the part of the enemy ; sufferance on our part provoked only further injury, which forced us to arms in defence of neutral rights and free trade. Under this view of the subject, I hope this committee will duly appreciate the necessity of conciliating those nations, whose interests are now the same as ours ; with whom we have now some trade, which, in future, may be expected to be greatly extended.

But it may be said, England will not permit this trade. To what a situation will she then be reduced ! to an alternative the most awkward and perplexing : she must either keep up her present mere cruising or paper blockade of our sea-coast to prevent the entrance of those neutrals, or modify her system in favor of all neutrals. Will not a persistence in her present unlawful system of blockade and capture at sea of neutral vessels destined for the United States, irritate and vex those nations, and detach them from her cause ? If, on the other hand, she modifies her system of blockade in their favor, we may carry on a lucrative trade to the continent of Europe, not beneficial to England, but very much so to the United States. The very option which will thus be presented, will embarrass the British cabinet, and have a stronger tendency to produce peace, than ten years' continuance of the present system, when the prospect of its producing any pressure has become so very faint. I ask gentlemen on the same side of the House with myself, whether, if the restrictive system were now off, there would be ten votes

in the House in favor of putting it on? I contend there would not. If it were to expire on the 10th of the present month, would there be ten votes in favor of its renewal? I believe not. If the House would in neither case embrace it under present circumstances, there is the strongest reason to presume that, in its judgment, the restrictive system is not now operative and wise. What, then, is the objection to its repeal? A regard to consistency. I know regard ought always to be had to this trait, so valuable in governments and individuals; but it is not the duty of men to regulate their conduct without any regard to events. True wisdom consists in properly adapting our conduct to circumstances. Two things may change our conduct on any particular point: a change of our own opinion, or of exterior circumstances, which entirely change the reason of our former conduct. Men cannot always go straight forward, but must regard the obstacles which impede their course. Inconsistency consists in a change of conduct, when there is no change of circumstances which justify it. Those who adapt their conduct to a change of circumstances, act, not inconsistently, but otherwise. They would be inconsistent, if they persisted in a course of measures after the reasons which called for them had so changed, as to require a course directly the reverse. I respect the firmness of many friends around me, because it indicates their determination to persevere in any system, and adhere to any measure, which they believe the interest of their country requires. But, according to the view which I have taken, I do not consider such a persistence in the restrictive system as the dictate either of wisdom or of sound policy.

There are many other observations which I might make on this subject, which I shall, at present, forbear to urge.

As to the manufacturing interest, in regard to which some fears have been expressed, the resolution voted by the House yesterday is a strong pledge, that it will not suffer the manufacturers to be unprotected, in case of a repeal of the

restrictive system. I hope that at all times, and under every policy, they will be protected with due care. All farther remarks I reserve, until I shall hear the objections to the bill.

SPEECH

On the Resolution reported by the Committee of Ways and Means, to increase the Direct Tax, delivered in the House of Representatives, Oct. 25th, 1814.

[Note.—After the capture of Washington by the British army under the command of Gen. Ross, the President, by Proclamation, called an extra session of Congress, which met on the 19th of Sept., 1814. The finances of the Government, as well as the currency of the country, were in a deplorable state; and the attention of Congress was immediately directed to these subjects. The Committee of Ways and Means recommended, among other measures, an addition of 50 per cent. on the Direct Taxes; which was subsequently, in conformity with the views of the Secretary of the Treasury, increased to one hundred per cent. He also recommended the issue of treasury notes, and the establishment of a National Bank, with a capital of fifty millions, as necessary to the support of the public credit.

The first resolution of the committee, recommending the addition of 100 per cent. on the Direct Taxes, was discussed on the 24th and 25th of October, by Messrs. Rhea, Fisk, and Calhoun in favor, and by Messrs. Webster and Shipherd in opposition; and decided in the affirmative, by a vote of 89 to 38. The following is a sketch of Mr. Calhoun's remarks.]

Mr. Calhoun said, he did not rise to consider whether the war was originally just and necessary, or whether the administration had abandoned the original objects of the con-

test ; much less, whether the opposition, according to the very modest declaration of the member from New Hampshire (Mr. Webster), possessed all the talent and confidence of the country. His object was to call the attention of the House to the necessity of prompt and vigorous measures for the prosecution of the war. If ever a body of men, said he, held the destinies of a country in their hands, it was that which he was now addressing. You have, for an enemy, a Power the most implacable and formidable ; who, now freed from any other contest, will, the very next campaign, direct the whole of his force against you. Besides his deep-rooted enmity towards this country, which will urge him to exertion, he is aware of the necessity, on his part, to bring the contest to a speedy termination. He dreads its continuance ; for he well knows that, should it be maintained by us with vigor for only a few years, there will be other parties to the struggle, which may again involve him in a war with all Europe. He, then, will put forth, from spite and policy, the whole of his strength the next summer to crush us, if possible, by one mighty effort. To meet this state of things, the whole of our resources will have to be called into action ; and, what is of equal importance, with such promptitude as to be ready to act as soon as the season will admit. What, then, are the duties which devolve on this House, and which must be performed, in order that we may be in a state of preparation to meet and maintain the struggle ? This is the question which he proposed to consider,—not indeed in detail, but generally ; in order that we may be aware of the urgent necessity for dispatch.

First, then, it will be absolutely necessary to pass these tax resolutions, or some others of equal vigor, into laws. Our finances, it is acknowledged, are much deranged ; and it is also admitted, on all sides, that they can only be restored by a vigorous system of taxation. Has any member estimated how much time this will consume ? It is now the 25th of

October, and we have not passed even the resolutions. At the same rate of proceeding, to settle all the complex details of the bills, and pass them into laws, will require months. In the next place, it will be necessary (he presumed no member could doubt it) to take the state of the circulating medium into consideration, and to devise some measure to render it more safe and better adapted to the purposes of finance. The single fact, that we have no proper medium commensurate in its circulation with the Union ;—that it is all local—is calculated to produce much embarrassment in the operations of the treasury. But, Sir, after we have passed the taxes and established an adequate circulating medium, which must of necessity, with the closest attention, consume much time, much still will remain to be done. The army, to which the President had so strongly called our attention, has not yet claimed a moment of our time. He would not pretend to anticipate the plan which the Military Committee would doubtless submit to the House ; but he would state what appeared to him indispensable to give to our arms the greatest effect with the least expenditure. He did not wish to be understood as the advocate of parsimony, but of economy, combined with effective action.

The enemy, at present, presses the war both on our seaboard and interior frontier. The nature of the contest on either will, if properly considered, indicate the mode in which it ought to be met. On the seaboard it must be strictly defensive. The enemy can make no permanent conquest of any importance there ; but he hopes, by alarming and harassing the country, and putting us to an enormous expense in defending it, to break the spirit of the people, and bring us to his own terms. The only remedy in our hands, without a marching force, is to fortify as strongly as possible the cities and exposed points, and to garrison them with a sufficient number of experienced regular troops. In case of an attack they must be aided by the militia of the cities and

adjacent country, called out on the occasion *en masse;* which can be done without much vexation or expense. By having respectable garrisons of regular troops, thus aided on emergencies, and supported by strong works, we will afford more security, and save millions of expense. The present militia force, he supposed, in actual service, could not be much short of 100,000. Less than half that number of regulars could be made abundantly adequate to the defence of our seaboard.

On the Canada frontier the war must assume an opposite character. If we wish to act with effect, it must there be wholly offensive. He had earnestly hoped that the miserably stale and absurd objections against offensive operations in Canada had ceased, till he heard, yesterday, the member from New Hampshire (Mr. Webster). It was so obviously the cheapest and most effectual mode of operating on our enemy, that thinking men, he believed, with few exceptions, of all parties, had agreed in its expediency. For, suppose we should have, at the opening of the next campaign, a sufficient force on the Canada frontier for its reduction, what would be the result? Our enemy must either call off the whole of his force to defend himself in that quarter, or he must permit it to fall into our possession. Either event would be desirable. If he should adopt the former, as in all probability he would be compelled to do, our seaboard would be freed from danger and alarm, and we would have the further advantage of meeting him on equal terms. He could no longer avail himself of his maritime superiority. If, however, he should not strengthen himself in Canada, but continue the war on the coast, it would be still more to our advantage. The reduction of his possessions, besides shedding a glory on our arms and producing, both here and in England, the happiest effects in our favor—would enable us to maintain the struggle with half the expense in men and money. After so desirable an event, our efforts might be almost exclusively directed to the defence of the seaboard,

and the war would assume a new aspect highly favorable to this country. To secure so desirable a state of things, a regular force of, at least, 50,000 men ought to be ready to act against Canada by the first of May or June, at furthest. If they could be immediately raised and marched to their proper dépôts for training, they could, in a few months, be well trained for service. He was well assured that the brilliant battles of Bridgewater and Chippewa were won by men three-fourths of whom had not been in the ranks more than four months. With skilful officers, and with the aptitude of the Americans to acquire the military art, the finest army in a few months might be formed. He said, he could not refrain from congratulating this House and the country on the acquisition we had made, in so short a time, of military skill. It was wonderful, almost incredible, that, in a year or two, with very little opportunity, such generals should be formed as led, during the last summer, our armies to victory. No country, under all the circumstances, ever in so short a time, developed so much military talent. Put under their command, without delay, a sufficient force, well appointed, and you will find yourself in the road to honor and secure peace. But can this be done by idle debate?—by discussing the origin of the war, and the relative talent and virtue of the two great parties in this country? *Now* is our time, not for debate, but action. Much is to be done; we have not a moment to lose. Time is to us every thing—men, money, honor, glory, and peace. Should we consume it in debate, and let the moments for preparation glide away, our affairs must be irretrievably ruined. Compare what remains to be done with the time for action, and it is certain that, to act promptly is as important as to act at all. Under these impressions, he hoped that the House would pass, this day, on all the resolutions; that they would be referred back to the committee, to report bills immediately; and that whatever was needful to our

early and complete preparation, would be promptly dispatched. The enemy is already arrived, and, as soon as permitted by the season, will strike with deadly intent. Let us be ready to receive and return the blow with redoubled force. We are placed in circumstances the most urgent and imperious. Our supposed weakness has tempted him to make his extraordinary demands. Who, that bears in his bosom the heart of an American, can think of them without the most just indignation? Surrender the lakes to his control; renounce the fisheries—that nursery for seamen; cede a part of Maine, and all beyond the Greenville line; and recognize the Indians as their allies, and under their protection! Such is his language. He relies not so much in his own strength, as our divisions and consequent weakness. Let it be our most serious business, by vigor and promptitude, to baffle and destroy his vain hopes. If we fail, it will not be for the want of means, but because we have not used them. We have generals and troops that have proved themselves an overmatch for the choicest of the enemy's battalions, commanded by his most boasted officers. To this evidence of skill and courage, superadd preparations on our part equal to our resources. By this means, you will make him sensible of his presumption, and compel him to listen to terms of peace, honorable to both nations. He has it in his power, at all times, to make such a peace. Every member who hears me knows this to be the fact, notwithstanding the unjust and unfounded insinuations of the member from New Hampshire (Mr. Webster) to the contrary.

He observed, again, that England dreaded a continuance of the contest. The affairs of Europe are far from being settled. Her relation, in a commercial point of view, is calculated to raise up powerful enemies on the continent. Should she be foiled and disgraced here, which she must be, if we but do our duty, the opportunity, so favorable, to hum-

ble her, will be seized. Of these facts she is sensible, and our very preparation for a vigorous war will make her dread the contest. But suppose, instead of vigorous and prompt preparation, we consume our time in debate here, and permit our affairs to go on in the consequent slow and feeble way—where is the man so blind as to believe that England will limit her views by her present demands, extravagant as they are? We are already told, that she will proportion her future demands to the relative situation of the two countries. She neither expected nor desired peace on the terms which were offered. Her bosom is repossessed with the ambition and projects that inspired her in the year seventy-six. It is the war of the Revolution revived; we are again struggling for our liberty and independence. The enemy stands ready, and eagerly watches to seize any opportunity which our feebleness or division may present, to realize his gigantic schemes of conquest. In this struggle for existence, he must, he said, entreat the members of the opposition—though they can reconcile it to their consciences to stand with folded arms, and coldly look on—not to impede, by idle and frivolous debate, the efforts of those who are ready, by every sacrifice, to maintain the independence of the country. The subject is weighty; he felt himself pressed on all sides by the most interesting topics; but he would abstain from further remarks, lest he who deprecated the consumption of the time of the House in long debate, should set an example of it in himself. The time is precious, and he felt that he owed an apology for having consumed so much of it as he had done.

SPEECH

On the Military Peace Establishment, delivered in the House of Representatives, February 27th, 1815.

[Note.—February 22d, 1815. Mr. Troup, from the Committee on Military Affairs, reported a Bill to fix the Military Peace Establishment. The Bill provided that it should not exceed Ten Thousand men; which was read and referred to a Committee of the Whole. When called up in committee, Mr. Desha moved to substitute Six Thousand for Ten Thousand, which gave rise to considerable debate, and the amendment was carried 69 to 50; and the Bill, after some further amendments, was reported to the House, when on the question of concurrence in the amendments, a debate arose, in which Mr. Calhoun took part, against the amendment. The following is only a sketch of his remarks.]

Mr. Calhoun said, That on the question of fixing the Military Peace Establishment, it appeared to him the House was acting rather in the dark, having before them neither the estimates, nor the facts on which they could be founded. In determining the amount of the Military Establishment, he said, the House ought to take into view three objects, and to graduate the force to be retained accordingly, viz.: a proper maintenance and garrison of our military posts and fortresses; an establishment large enough to keep alive military science and serve as a seminary for that purpose; and the adaptation of our military force to the policy of the enemy in regard to this country. As regarded these objects, it appeared to him, that the House was not in possession of information to enable it to act understandingly. What force would be necessary to guard our seaports, to protect our northwestern and western frontier from Indian hosti-

lity? Of this there was no estimate, but every thing was left to conjecture. As to the second point, practical military men ought to be consulted, whether it would be proper to keep up a military force to maintain military science.

The next question, said Mr. C., was more important. Have we a sufficient knowledge of the force and policy of the enemy, to enable us to decide on the reduction of our military establishment? He contended we had not. What would be the feelings of England on receiving intelligence of the late events, he did not know. Whether the soreness of her recent defeat would produce a disposition to remain at peace or to retaliate, no gentleman could say. If there were any doubt on this subject, we ought to act with caution in reducing our military establishment. What course the enemy will pursue we cannot determine: whether he will keep up a small peace establishment or a large military force, we do not know. It ought to be recollected, that he has abundance of military means, and that living is as cheap in Canada as in England. If the enemy should keep up, on our borders, a force of 30,000 or 40,000 men, instead of reducing it to four or five thousand, would it be wise in us wholly to disarm? It would not. If a large force should be retained in service in our vicinity, it would be highly impolitic for us to reduce ours as low as was proposed. The gentleman from Virginia (Mr. Jackson) had on a former day remarked, that our situation was peculiarly felicitous, in having no enemy immediately in our neighborhood. But it ought to be borne in mind, that the most powerful nation in Europe possessed provinces adjoining our territory, into which she could readily pour an armed force. He hoped that she never would, but she might do so. Suppose with forty thousand men, she should choose, without notice, to make a hostile movement against our territory? Every strong position on the Niagara frontier would fall at once into her hands, and

the very expense we wish to avoid, must be quadrupled to enable us to regain them.

Having neither estimates nor facts, as he had before remarked, the House ought to act cautiously. It is easier to keep soldiers, than to get them ;—to retain officers of skill and renown in your service, than to make them. Let us wait a while before we reduce our army to a mere peace establishment.

[Several gentlemen then addressed the House on this question, pro and con., when Mr. Calhoun again rose and said :—]

He was more and more convinced of the inexpediency of breaking up, at once, our whole military establishment. Had they before them, he asked, or could they have, at this session, the necessary estimates whereby to fix the peace establishment. If they had, there would probably be little difference of opinion on the subject ; but they had not. Gentlemen had said that to retain so great a force, would imply a suspicion of the good faith of Great Britain, in regard to the peace. His reply to that argument was, that if the largest number, now proposed, be agreed to, we shall reduce our army to one-sixth of the amount of our war establishment ; that is to say, from sixty to ten thousand men, and ultimately perhaps from ten thousand to six. He rose now, however, principally to reply to the argument that our ratification of the treaty amounted to an abandonment to Great Britain of the right of impressment, &c.—to an abandonment of free trade and sailors' rights.

In the first place, he denied the position that this country had ever set up a claim to the universality of the flag. We had always been ready to make any arrangement, by which our own seamen might be protected. Although the Government, perhaps, ought to have done so, it never made it a point that the flag should protect every thing under it. It had been said, however, that unless the

flag protected all sailing under it, it would be difficult to remedy the abuse of the right of search for persons. We offered the rule, that the flag should protect the seamen, as one subject to modification. This Government had always been willing to make such reciprocal regulations as should, in this respect, secure to each nation its rights. The celebrated Seamen's Bill, as it was called, was the result of a disposition of this sort. We have denied the right of Great Britain to take any other than her own seamen, and have we made any stipulation, express or implied, by which we have yielded the rights of our citizens to exemption from impressment by her authority? On the contrary, he maintained that that right was substantially and for ever fixed. We have exhibited, said Mr. C., during this war, a power and an energy of character, which will prevent any nation from attempting, hereafter, to take our, or any other seamen from our decks. Mr. C. added, he had no doubt, but that Great Britain would be willing, in order to guard against any future collision on this subject, to enter into reciprocal arrangements, which shall preclude, hereafter, any necessity or pretence for searching our merchant vessels for her seamen. There is no abandonment on our part, by the treaty, of any right. He had seen some assertions to the contrary in newspapers; but he had never expected to hear it gravely said on this floor, that it would be something like a violation of the treaty, if we should hereafter resist the practice of impressing our seamen. The war, said Mr. C., had effected all its great objects. The British claim of impressment, which we resisted, ended with the European war. It was a claim resulting from a state of war; that state ceasing, the operation of the claim ceased with it, and there was no necessity for a treaty stipulation against a claim which was extinct. If war should again break out in Europe, and that claim be revived (which, he believed, would not be the case), we shall be in a better condition than ever to assert

the rights of our citizens; though he believed we had made such an impression on the British nation, that it would never feel the same disposition hereafter, which it had heretofore evinced, to encroach on our rights. They were now better secured than by paper or parchment stipulations. They are secured, said Mr. C., by the vigor and energy of the American people, who will again be ready to draw the sword, if Britain again ventures to encroach on them.

[After some remarks by Mr. Hanson, Mr. Calhoun continued:—]

Nothing was more easy, than, by taking detached parts of papers and omitting to take circumstances into view, entirely to misrepresent any question. If the gentleman last up, who had quoted a part of the instructions to our ministers, had read a little more of that report, he would have seen the gross error of the construction he has put upon it—he would have found, that our ministers were fully authorized to have made a treaty—containing a stipulation respecting impressment—to terminate at the conclusion of a general peace; the object being, to guard against the possible continuance of the practice of impressment during the war in Europe. He would have seen further, that, when peace was concluded, the necessity for such a stipulation ceased. What, said Mr. C., was the injury we complained of, and what was the claim of the enemy? The claim was, that he had a right, in time of war, to enter on board American (neutral) vessels, and to judge who were American and who were British seamen, and to take therefrom whomsoever he thought proper. What was the ground of complaint on our part? That the enemy, in the exercise of this pretended right, frequently took American seamen, to the detriment of the commerce and the deprivation of the personal liberty of American citizens. At the time these instructions were sent to our ministers, there was a war raging in Europe, which no gentleman there pretended to think would come to a speedy ter-

mination. It appeared to be a contest, which would endure for a series of years, having already, with little intermission, lasted twenty. Those statements and those instructions, a part of which had been quoted, were then given respecting the question of impressment, as springing out of a state of war; and it was at that time, that the report was made to this House, proclaiming the necessity of unceasing resistance to so grievous an injury. This state of war, Mr. C. continued, having ceased, and, with it, the evil of impressment, there was no necessity to continue the contest of this ground. And had we done so, what would have been the language of the gentleman and his friends? That statesmen go to war for *practical* injuries—that, as Great Britain never impresses in time of peace in Europe, to continue the war on this account, would be to fight against a mere speculative claim on the part of the British Government. To have adopted this course would have been exceedingly unwise; and would have met with the severest reprobation of the gentlemen on that side of the House. Every one who heard him knew, said Mr. C., that such would have been the clamor rung from one end of the country to the other. Any one who adverted to the very document, of which the gentleman had read a part (viewed in connection with then existing circumstances), would find his whole argument answered by it as completely and demonstrably as any proposition in Euclid. The idea that we had relinquished our rights in this respect, because the matter was not recited in the treaty, was, in his opinion, preposterous. It could not be maintained by the semblance of an argument. They are not at all affected by it. But they are strongly fortified by the events of the present war, and the spirit with which it has been waged—a spirit which will probably make foreign powers more careful of invading them. The benefit of the claim to Great Britain can never compensate for the injury she might sustain, by provoking us to war, in resistance to it, and in defence of the personal

liberty of our citizens. In the late contest, this country has acquired a character which will secure respect to its rights. If ever an American citizen should be forcibly impressed, said Mr. C., he would be ready again to draw the sword in his defence: and no government could prosper, that would with impunity permit so flagrant an outrage on the rights of its citizens. Government itself is only protection; and they cannot be separated. I feel pleasure and pride, said Mr. C., in being able to say, that I am of a party which drew the sword on this question, and succeeded in the contest; for, to all practical purposes, we have achieved complete success.

SPEECH

On the Bill to regulate the commerce between the United States and Great Britain, according to the Convention of the 3d of July, 1815; delivered in the House of Representatives, January 9th, 1816.

[NOTE.—The Message of the President, of the 26th of December, 1815, communicating to Congress the Commercial Convention with Great Britain, and recommending such legislative provisions as might be deemed necessary to carry it into effect, having been referred to the Committee on Foreign Relations, Mr. Forsyth, its chairman, on December 29th, reported a Bill for the purpose, which was, on the same day, referred to the Committee of the Whole, where it was discussed with much animation and ability until the 9th of January, 1816. Involving, as in the case of Jay's Treaty, questions of moment, as to the constitutional distribution of powers, between the two Houses, the debate was resumed in the House—all the leading men of both parties participating in it. On no question, perhaps, during the period, was there an equal display of eloquence and ability.

On the 10th January, 1816, the Senate, in anticipation of the action of the House, passed a Bill "enacting and declaring so much of any act or acts as is contrary to the provisions" of the Treaty, "to be of no force or effect." This was received by the House on the same day; when it was denounced as an "attempt to evade the question before the House"—and subsequently laid on the table. On the 13th, the House passed its Bill by a vote of 86 to 71, and sent it to the Senate, where, on the 19th it was *rejected* by a vote of 21 to 10. The House, February 6th, amended the Senate's Bill by striking out all after the enacting clause, and inserting its own Bill; on the ground that it "interfered with the judicial power" and, at the same time, "deprived the House of its just powers in respect to provisions affecting the public revenues." Thus amended the Bill was passed and sent to the Senate; where, on February 12, it was, after full debate, again *rejected*. The two Houses being thus at issue, a Committee of Conference was subsequently agreed to; and, by compromise, the Senate's Bill, with some modifications, was finally (February 24) adopted. Yeas, 100; Nays, 15.]

Mr. Speaker:—The votes on this bill have been ordered to be recorded; and the House will see, in my peculiar situation, a sufficient apology for offering my reasons for the rejection of the bill. I had no disposition to speak on this bill; as I was content to let it take that course, which, in the opinion of the majority, it ought, till the members were called on by the order of the House to record their votes.

The question presented for consideration is perfectly simple, and easily understood:—Is this bill necessary to give validity to the late treaty with Great Britain? It appears to me that this question is susceptible of a decision, without considering whether a treaty can in any case set aside a law; or, to be more particular, whether the treaty which this bill proposes to carry into effect, does repeal the discriminating duties. The House will remember, that a law was passed at the close of last session, conditionally repealing those duties. That act proposed to repeal them in relation to any nation, which would on its part agree to repeal similar duties

as to this country. On the contingency happening, the law became positive. It has happened, and it has been announced to the country, that England has agreed to repeal. The President, in proclaiming the treaty, has notified the fact to the House and to the country. Why, then, propose to do that by this bill, which has already been done by a previous act? I know it has been said in conversation, that the provisions of the act are not as broad as the treaty. It does not strike me so. They appear to me to be commensurate. I also infer from the appearance of this House, that it is not very deeply impressed with the necessity of this bill. I have never, on any important occasion, seen it so indifferent. Whence does this arise? From its want of importance? If, indeed, the existence of the treaty depended on the passage of this bill, nothing scarcely could be more interesting. It would be calculated to excite strong feelings. We all know how the country was agitated when Jay's Treaty was before the House. The question then was on an appropriation to carry it into effect; a power acknowledged by all to belong to the House; and on the exercise of which, the existence of the treaty was felt to depend. The feelings manifested corresponded with this conviction. Not so on this occasion. Further, the treaty has already assumed the form of law. It is so proclaimed to the community; the words of the proclamation are not material; it speaks of itself; and if it means any thing, it announces the treaty as a rule of public conduct, as a law exacting the obedience of the people. Were I of the opposite side, if I, indeed, believed this treaty to be a dead letter till it received the sanction of Congress, I would lay the bill on the table and move an inquiry into the fact, why the treaty has been proclaimed as a law before it received the proper sanction. It is true, the Executive has transmitted a copy of the treaty to the House; but has he sent the negotiation? Has he given any light to show why it should receive the sanction of

this body? Do gentlemen mean to say that information is not needed; that though we have the right to pass laws, to give validity to treaties, yet we are bound by a moral obligation to pass such laws? To talk of the right of this House to sanction treaties, and at the same time to assert that it is under a moral obligation not to withhold that sanction, is a solecism. No sound mind that understands the terms, can possibly assent to it. I would caution the House, while it is extending its powers to cases which, I believe, do not belong to it, to take care lest it lose its substantial and undoubted power. I would put it on its guard against the dangerous doctrine, that it can in any case become a mere registering body. Another fact in regard to this treaty. It does not stipulate that a law shall pass to repeal the duties proposed to be repealed by this bill, which would be its proper form, if in the opinion of the negotiators a law was necessary; but it stipulates in positive terms for their repeal without consulting or regarding us.

I here conclude this part of the discussion, by stating that it appears to me from the whole complexion of the case, that the bill before the House is a mere form, and cannot be supposed to be necessary to the validity of the treaty. It will be proper, however, to reply to the arguments which have been urged on the general nature of the treaty-making power, and as it is a subject of great importance, I solicit the attentive hearing of the House.

It is not denied, I believe, that the President, with the concurrence of two-thirds of the Senate, has a right to make commercial treaties; it is not asserted that this treaty is couched in such general terms as to require a law to carry the details into execution. Why, then, is this bill necessary? Because, say gentlemen, the treaty of itself, without the aid of this bill, cannot exempt British tonnage, and goods imported in their bottoms, from the operation of the law laying additional duties on foreign tonnage and goods imported

in foreign vessels ; or, giving the question a more general form, because a treaty cannot annul a law.

The gentleman from Virginia (Mr. Barbour), who argued this point very distinctly, though not satisfactorily, took as his general position, that to repeal a law is a legislative act, and can only be done by law ; that in the distribution of the legislative and treaty-making power, the right to repeal a law fell exclusively under the former. How does this comport with the admission immediately made by him, that the treaty of peace repealed the act declaring war ? If he admits the fact in a single case, what becomes of his exclusive legislative right ? He indeed felt that this rule failed him, and in explanation assumed a position entirely new ; for he admitted, that when the treaty did that which was not authorized to be done by law, it did not require the sanction of Congress, and might in its operation repeal a law inconsistent with it. He said, Congress is not authorized to make peace ; and for this reason, a treaty of peace repeals the act declaring war. In this position, I understood his colleague substantially to concur. I hope to make it appear, that in taking this ground, they have both yielded the point in discussion. I shall establish, I trust, to the satisfaction of the House, that the treaty-making power, when it is legitimately exercised, always does that which cannot be done by law ; and, that the reasons advanced to prove that the treaty of peace repealed the act declaring war, so far from being peculiar to that case, apply to all treaties. They do not form an exception, but in fact constitute the rule. Why then, I ask, cannot Congress make peace ? They have the power to declare war. All acknowledge this power. Peace and war are opposites. They are the positive and negative terms of the same proposition ; and what rule of construction more clear than that when a power is given to do an act, the power is also given to repeal it ? By what right do you repeal taxes, reduce your army, lay up your navy, or repeal any law, but by the force of this plain rule of

construction ? Why cannot Congress then repeal the act declaring war ? I acknowledge, with the gentleman, that they cannot, consistently with reason. The solution of this question explains the whole difficulty. The reason is plain ; one power may make war ; it requires two to make peace. It is a state of mutual amity succeeding one of mutual hostility ; — a state that cannot be created, but with the consent of both parties. It requires a contract or a treaty between the nations at war. Is this peculiar to a treaty of peace ? No, it is common to all treaties. It arises out of their nature, and not from any accidental circumstance, attaching to a particular class. It is no more nor less than that Congress cannot make a contract with a foreign nation. Let us apply it to a treaty of commerce, to this very case. Can Congress do what this treaty has done ? It has repealed the discriminating duties between this country and England. Either country could by law repeal its own. But, by law, they could go no farther ; and for the reason, that peace cannot be made by law. Whenever, then an ordinary subject of legislation can only be regulated by contract, it passes from the sphere of the ordinary power of making laws, and attaches itself to that of making treaties, wherever it is lodged. All acknowledge the truth of this conclusion, where the subject, on which the treaty operates, is not expressly given to Congress : but in other cases, they consider the two powers as concurrent ; and conclude from the nature of such powers, that such treaties must be confirmed by law. Will they acknowledge the opposite—that laws on such subjects must be confirmed by treaties ? And if, as they state, a law can repeal a treaty when concurrent, why not a treaty a law ? Into such absurdities do false doctrines lead. The truth is, the legislative and treaty-making powers are never, in the strict sense, concurrent. They both may have the same subject, as in this case, viz., commerce ; but they discharge functions entirely different in their nature in relation to it.

When we speak of concurrent powers, we mean when both can do the same thing; but I contend that when the two powers under discussion are confined to their proper sphere, not only the law cannot do what could be done by treaty, but the reverse is true; that is, they never are nor can be concurrent powers. It is only when we reason on this subject that we mistake; in all other cases the common sense of the House and country decide correctly. It is proposed to establish some regulation of commerce;—we immediately inquire, does it depend on our will? can we make the desired regulation without the concurrence of any foreign power? If so, it belongs to Congress, and any one would feel it to be absurd to attempt to effect it by treaty. On the contrary, does it require the consent of a foreign power? is it proposed to grant a favor for a favor—to repeal discriminating duties on both sides? It is equally felt to belong to the treaty-making power; and he would be thought insane who should propose to abolish the discriminating duties in any case, by an act of the American Congress. It is calculated, I feel, almost to insult the good sense of the House, to dwell on a point evidently so clear. What then do I infer from what has been advanced? That, according to the argument of gentlemen, treaties, producing a state of things inconsistent with the provisions of an existing law, annul such provisions. But as I do not agree with them in the view which they have taken, I will here present my own for consideration.

Why, then, has a treaty the force which I attribute to it? Because it is an act, in its own nature, paramount to laws made by the common legislative powers of the country. It is in fact a law, and something more; a law established by contract between independent nations. By analogy to private life, law has the same relations to treaty, as the resolution taken by an individual to his contract. An individual may make the most deliberate promise; he may swear it in the

most solemn form, that he will not sell his house, or any other property he may have ; yet, if he should afterward sell, the sale would be valid in law ; he would not be admitted in a court of justice to plead his oath against his contract. Take the case of a government in its most simple form, where it is purely despotic ; that is, where all power is lodged in the hands of a single individual. Would not his treaties repeal inconsistent edicts ? Let us now ascend from the instances cited to illustrate the nature of the two powers, to the principle on which the paramount character of a treaty rests. A treaty always affects the interests of two ; a law only that of a single nation. It is an established principle of politics and morality, that the interest of the many is paramount to that of the few. In fact, it is a principle so radical, that without it no system of morality, no rational scheme of government, could exist. It is for this reason that contracts, or that treaties [which are only the contracts of independent nations], or, to express both in two words, that plighted faith has in all ages and nations been considered so solemn. But it is said, in opposition to this position, that a subsequent law can repeal a treaty ; and to this proposition, I understand that the member from North Carolina (Mr. Gaston) assents. Strictly speaking, I deny the fact. I know that a law may assume the appearance of repealing a treaty ; but, I insist, it is only in appearance, and that, in point of fact, it is not a repeal. Whenever a law is proposed, declaring a treaty void, I consider that the House acts not as a legislative body, but judicially. To illustrate my idea : If the House is a moral body,—that is, if it is governed by reason and virtue, which must always be presumed,—the only question that ever can occupy its attention, whenever a treaty is to be declared void, is whether, under all the circumstances of the case, the treaty is not already destroyed, by being violated by the nation with whom it is made, or by the existence of some other circumstance, if other there can be.

The House determines this question: Is the country any longer bound by the treaty? Has it not ceased to exist? The nation passes judgment on its own contract; and this from the necessity of the case, as it admits no supreme power to which it can refer for decision. If any other consideration move the House to repeal a treaty, it can be considered only in the light of a violation of a contract acknowledged to be binding on the country. A nation may, it is true, violate its contract; it may even do this under the form of law; but I am not considering what may be done, but what may be rightfully done. It is not a question of power, but of right. Why are not these positions, in themselves so clear, universally assented to? Gentlemen are alarmed at imaginary consequences. They argue not as if seeking for the meaning of the constitution, but as if deliberating on the subject of making one; not as members of the legislature, and acting under a constitution already established, but as those of a convention about to frame one. For my part, I have always regarded the constitution as a work of great wisdom; and, being the instrument under which we exist as a body, it is our duty to bow to its enactments, whatever they may be, with submission. We ought scarcely to indulge a wish that its provisions should be different from what they in fact are. The consequences, however, which appear to work with so much terror on the minds of the gentlemen, I consider to be without any just foundation. The treaty-making power has many and powerful limits; and it will be found, when I come to discuss what those limits are, that it cannot destroy the constitution, or our personal liberty, or involve us, without the assent of this House, in war, or grant away our money. The limits I propose to this power are not the same, it is true; but they appear to me much more rational and powerful than those which were supposed to present effectual guards against its abuse. Let us now consider what they are

The grant of the power to make treaties is couched in the most general terms. The words of the constitution are, that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. In a subsequent part of the constitution, treaties are declared to be the supreme law of the land. Whatever limits are imposed by these general terms ought to be the result of a sound construction of the instrument. There are, apparently, but two restrictions on its exercise ; the one derived from the nature of our government, and the other from that of the power itself. Most certainly all grants of power under the constitution must be construed by that instrument ; for, having their existence from it, they must of necessity assume that form which the constitution has imposed. This is acknowledged to be true of the legislative power, and it is doubtless equally so of the power to make treaties. The limits of the former are exactly marked ; it was necessary, to prevent collision with similar co-existing State powers. This country is divided into many distinct sovereignties. Exact enumeration on this head is necessary, to prevent the most dangerous consequences. The enumeration of legislative powers in the constitution has relation, then, not to the treaty-making power, but to the powers of the States. In our relation to the rest of the world the case is reversed. Here the States disappear. Divided within, we present the exterior of undivided sovereignty. The wisdom of the constitution, in this, appears conspicuous. Where enumeration was needed, there we find the powers enumerated and exactly defined ; where not, we do not find what would be only vain and pernicious. Whatever, then, concerns our foreign relations ; whatever requires the consent of another nation, belongs to the treaty-making power, and can only be regulated by it ; and it is competent to regulate all such subjects, provided [and here are its true limits] such regulations are not inconsistent with the consti-

tution. If so, they are void. No treaty can alter the fabric of our government, nor can it do that which the constitution has expressly forbidden to be done; nor can it do that differently which is directed to be done in a given mode,—all other modes being prohibited. For instance, the constitution says, no money "shall be drawn out of the treasury but by an appropriation made by law." Of course no subsidy can be granted without an act of law; and a treaty of alliance could not involve the country in war without the consent of this House. With this limitation, it is easy to explain the case put by my colleague, who said, that according to one limitation, a treaty might have prohibited the introduction of a certain description of persons before the year 1808, notwithstanding the clause in the constitution to the contrary. I will speak plainly on this point:—it was the intention of the constitution that the slave trade should be tolerated till the time mentioned. It covers me with confusion to name it here; I feel ashamed of such a tolerance, and take a large part of the disgrace, as I represent a part of the Union by whose influence it might be supposed to have been introduced. Though Congress alone is prohibited, by the words of the clause, from suppressing that odious traffic, yet my colleague will admit that it was intended to be a general prohibition on the Government of the Union. I perceive my colleague indicates his dissent. It will be necessary to be more explicit.

[Here Mr. C. read that part of the constitution, and showed that the word "Congress" might be left out, in conformity with other parts of the constitution, without injury to the sense of the clause; and he insisted that the plain meaning of the parties to the constitution was, that the trade should continue till 1808, and that a prohibition by treaty would be equally against the spirit of the instrument.]

Besides these constitutional limits, the treaty-making power, like all powers, has others derived from its nature and ob-

jects. It has for its object, contracts with foreign nations ; as the powers of Congress have for their object, whatever may be done in relation to the powers delegated to it, without the consent of foreign nations. Each, in its proper sphere, operates with general influence ; but when they become erratic, then they are portentous and dangerous. A treaty never can legitimately do that which can be done by law ; and the converse is also true. Suppose the discriminating duties repealed on both sides by law,—still what is effected by this treaty would not even then be done ; for the plighted faith of both would be wanting. Either side might repeal its law without breach of contract. It appears to me, that gentlemen are too much influenced on this subject by the example of Great Britain. Instead of looking to the nature of our own, they have been swayed in their opinions by the practice of that government, to which we are but too much in the habit of looking for precedents. Much anxiety has recently been evinced, to be independent of English broadcloths and muslins ; I hope it indicates the approach of a period when we shall also throw off the thraldom of thought. The truth is, but little analogy exists between this and any other government. It is the pride of ours, to be founded in reason and equity ; all others have originated, more or less, in fraud, violence, or accident. The right to make treaties, in England, can only be determined by the practice of the government ; as she has no written constitution. Her practice may be wise in regard to her government, when it would be very imprudent here. Admitting the fact to be, that the king refers all commercial treaties affecting the municipal regulations of the country, to parliament, for its sanction ; the argument drawn from this would be very feeble to prove that this, also, was the intention of our constitution. Strong differences exist between the forms of the two governments. The king is hereditary ;—he alone, without the participation of either house of parliament, negotiates and makes treaties.

England has no constitution emanating from the people, alike superior to the legislature and the king. Not so here. The President is elected for a short period; he is amenable to the public opinion; he is liable to be impeached for corruption; he cannot make treaties without the concurrence of two-thirds of the Senate—a fact very material to be remembered—which body is in like manner responsible to the people at periods not very remote. Above all,—as the laws and constitution are here perfectly distinct, and the latter is alike superior to laws and treaties,—the treaty-making power cannot change the form of government, or encroach on the liberties of the country, without encroaching on that instrument, which, so long as the people are free, will be watched with vigilance.

SPEECH

On the motion to Repeal the Direct Tax, delivered in the House of Representatives, January 31st, 1816.

[NOTE.—January 9th, 1816. The Committee of Ways and Means, to whom was referred that portion of the President's Message relating to the revenue, reported, among others, the following resolution:

"*Resolved*, That it is expedient so to amend an act, entitled, 'An act to provide additional revenues for defraying the expenses of Government and maintaining public credit, by laying a direct tax upon the United States, and to provide for assessing and collecting the same,' passed on the 9th of January, 1815, as to reduce the tax to be levied for the year 1816, and succeeding years, to $3,000,000, with a similar provision in regard to the direct tax on the District of Columbia. This resolution being called up in Committee of the

Whole, caused much debate. Mr. Clay moved to amend it, so as to limit its operation to one year, with a view to place it under the annual control of the House. This was carried; and then Mr. Harden of Kentucky moved to amend it, by declaring it expedient to repeal the laws laying a direct tax, altogether. This called forth discussion for several days successively, in which many of the most prominent men in the House took part. The motion was finally negatived by a vote of 81 to 73.]

Mr. Chairman:—There are in the affairs of nations, not less than in those of individuals, moments, on the proper use of which depend their fame, duration, and prosperity. Such I conceive to be the present situation of this country. Recently emerged from a war, we find ourselves in possession of a physical and moral power of great magnitude; and impressed by the misfortunes which have resulted from want of forecast heretofore, we are disposed to apply our means to purposes most valuable to the country. In a situation of such interest, I hope we shall be guided by the dictates of truth and wisdom only; that we shall prefer the lasting happiness of our country to present ease; its security to its pleasure; fair honor and reputation to inglorious and inactive repose.

We are now called on to determine what amount of revenue is necessary for this country in time of peace. This involves the additional question: what are the measures which the true interests of this country demand? The principal expense of our Government grows out of measures necessary for its defence; and in order to decide what those measures ought to be, it will be proper to inquire, what ought to be our policy towards other nations? and what will probably be theirs towards us? I intentionally leave out of consideration the financial questions, which some gentlemen have examined in the debate, and also the question of retrenchments; on which I will only remark, that I hope, whatsoever of economy shall enter into the measures of Con-

gress, they will at least be divested of the character of parsimony.

Beginning with the policy of the country. *This* ought to correspond with the character of its political institutions. What, then, is their character? They are founded on reason and justice. These being the foundations of our Government, its policy ought to comport with them. It is the duty of all nations, especially of one whose institutions recognize no principle of force, but appeal to virtue for their strength, to act with justice and moderation—with moderation approaching to forbearance. In all possible conflicts with foreign powers, our Government should be able to make it manifest to the world, that it has justice on its side. We should always forbear, if possible, until all shall be satisfied, that when we take up arms, it is not for the purpose of conquest, but for the maintenance of our essential rights. Our Government, moreover, is also founded on equality; it permits none to exercise violence; it permits no one to trample on the rights of his fellow-citizens with impunity. These maxims we should also carry into our intercourse with foreign nations; and as we render justice to all, so we should be prepared to exact it from all.

Our policy should not only be moderate and just, but as high-minded as it is moderate and just. This appears to me to be, for our country, the true line of conduct. In the policy of nations there are two extremes: one, in which justice and moderation may sink into feebleness—another, in which that lofty spirit which ought to animate all nations, particularly free states, may mount up to military violence. These extremes ought to be equally avoided;—but, of the two, I consider the first far the most dangerous, far the most fatal. There are two splendid examples of nations which have ultimately sunk by military violence; the Romans in ancient times—the French in modern. But how numerous are the instances of nations that have gradually sunk into insignifi-

cance through imbecility and apathy. They have not, indeed, struck the mind so forcibly as the two former ; because they have sunk ingloriously, without any thing in their descent to excite either admiration or respect. I consider this extreme weakness not only the most dangerous in itself—but one to which the people of this country are peculiarly liable. The people, indeed, are high-minded ; and, therefore, it may be thought that my fears are unfounded. But they are blessed with much happiness, moral, political, and physical. These operate on the dispositions and habits of the people with something like the effects attributed to southern climates : they dispose them to pleasure and to inactivity, except in pursuit of wealth. I need not appeal to the past history of the country ; to the indisposition of our people to war, from the commencement of the Government ; arising from the nature of our habits, and the disposition to pursue those courses which contribute to swell our private fortunes. We incline, not only from the causes already mentioned, but from the nature of our foreign relations, to that feeble policy, which I consider as more dangerous than the other extreme. We have, it is true, dangers to apprehend from abroad—but they are far off, at the distance of three thousand miles ; which prevents that continued dread which they would excite, if in our immediate neighborhood. Besides, we can have no foreign war which we should dread or fear to meet, save a war with England ; for a war with her breaks in on the whole industry of the country, and affects all its private pursuits. On this account we prefer suffering very great wrongs from her, rather than to redress them by arms. The gentleman from Pennsylvania asks, if the country did forbear till it felt disgrace, whose fault was it ? Not, he said, of the administrations of Washington or Adams ; for neither of them had left it in such condition. A few words on this point. The fault can be ascribed to neither of our several administrations—

to neither of the two great parties. It arose from the indisposition of the people to resort to arms, for the reason already assigned. It arose, also, in part, from two incidental circumstances—the want of preparation, and the untried character of our Government in war. But there were other circumstances, too, connected with the party to which the gentleman belongs, which, doubtless, contributed to prolong forbearance. That party took advantage of the indisposition of the people to an English war, and preached up the advantages of peace when it had become ignominious, and until we had scarcely the ability to defend ourselves. The gentleman from Pennsylvania further said, that, if peace had not been made when it was, we should not have been here deliberating at this time. This assertion is a fearful one, if true. If the nation was on the verge of ruin, the errors which brought it to that situation ought to be known, probed and corrected—even if they rose out of the constitution. But it is an assertion that ought not to be lightly made. The effects are dangerous; for what man hereafter, with such consequences before his eyes, would venture to propose a war? If such were the admitted fact, a future enemy would persist in war, expecting the country to sink before his efforts; his arms would be nerved, his exertions doubly strengthened against us. In every view, the position is one of such dangerous bearing on the future relations of the country, that it ought not to be admitted without the strongest proof. What was the fact? What had been the progress of events for a few months preceding the termination of the war? At Baltimore, at Plattsburg, at New Orleans, the invaders had been signally defeated—a new spirit was diffused through the whole mass of the community. Can it be believed, then, that the Government was on the verge of dissolution? No, Sir, it never stood firmer on its basis than at that moment. It is true, indeed, that we labored under great difficulties; but it is an observation made by a states-

man of great sagacity, Edmund Burke, when Pitt was anticipating the downfall of France, through the failure of her finances, *that an instance is not to be found of a high-minded nation sinking under financial difficulties;* and its truth would have been exemplified in our country had the war continued. Men on all sides began to unite in defence of the country; parties in this House began to rally on this point; and if the gentleman from Pennsylvania had been a member at that time, he also, from what he has said, would have taken that ground. The gentleman has taken, on this point, a position as erroneous as it is dangerous; and I have thought proper thus to notice it.

As a proof that the situation of the country naturally inclines us to too much feebleness rather than violence, I refer to the fact, that there are, on this floor, men who are entirely opposed to armies, to navies, to every means of defence. Sir, if their politics prevail, the country will be disarmed and at the mercy of any foreign power. On the other hand, there is no excess of military fervor, no party inclining to military despotism; for though a charge of such a disposition has been made by a gentleman in debate, it is without the shadow of foundation. What is the fact in regard to the army? Does it bear out his assertion? Is it even proportionally larger now than it was in 1801–2, the period which the gentleman considers as the standard of political perfection? It was then about 4,000 men; it was larger, in proportion, than an army of 10,000 men would now be. The charge of a disposition to make this a military government finds its support only in the imaginations of gentlemen; it cannot be sustained by facts; it is contrary to reason and to evidence.

Dismissing this part of the subject, I will now proceed to consider another, in my opinion, equally important, viz.: what will probably be the policy of other nations. With the world at large we are now at peace. I know of no nation

with which we shall probably come in collision, unless it be with Great Britain and Spain. With both these nations we have many and important points of collision. I hope we shall maintain, in regard to both, the strictest justice; the more so, as with both there is a possibility, sooner or later, of our being engaged in war. As to Spain I will say nothing; because she is the inferior of the two, and the measures which apply to the superior power, will include also the inferior. I shall consider our relations, then, with England only. Peace now exists between the two countries. As to its duration, I will give no opinion, except that I believe it will last the longer in consequence of the war, which has just ended. Evidences have been furnished during the war, of the capacity and character of this country, which will make England indisposed to try her strength with us on slight grounds. But what will be the probable course of events respecting the future relations between the two countries? England is the most formidable power in the world: she has the most numerous army and navy at her command. We, on the other hand, are the most growing nation on earth: most rapidly improving in those very particulars in which she excels. This question, then, presents itself: will the greater power permit the less to attain its destined greatness by natural growth, or will she take measures to disturb it. They who know the history of nations, will not believe that a rival will look unmoved on this prosperity. It has been said, that nations have heads, but no hearts. Every statesman, every one who loves his country, who wishes to maintain its dignity, to see it attain the summit of greatness and prosperity, regards the progress of other nations with a jealous eye. The English statesmen have always so acted. I find no fault with them on this account, but rather point to the example as originating in a principle which ought also to govern our conduct. Will Great Britain permit us to go on in an uninterrupted march to the height of national great-

ness and prosperity? I fear not. But, admitting the councils on that side of the water to be governed by a degree of magnanimity and justice which the world has never experienced from them (and, I am warranted in saying, never will), may not some unforeseen collision involve us in hostilities? Gentlemen on the other side have said, that there are points of difference with that nation (existing prior to the war) which are yet unsettled. I grant it. If such, then, be the fact, does it not show that causes of conflict remain, and that whenever the same condition of the world that excited them into action before the war, shall recur, the same collisions will probably take place again? If Great Britain sees the opportunity of enforcing the same doctrines we have already contested, will she not seize it? Admitting this country to maintain that policy which it ought; that its councils be governed by the most perfect justice and moderation—yet we see that, by difference of views on essential points, the peace between the two nations is liable to be jeopardized. I am sure that future wars with England are not only possible, but, I will say more, they are highly probable—nay, that they will certainly take place. Future wars, I fear (with the Honorable Speaker)—future wars, long and bloody, will exist between this country and Great Britain. I lament it; but I will not close my eyes on future events; I will not betray the high trust reposed in me; I will speak what I believe to be true. You will have to encounter British jealousy and hostility in every shape; not immediately manifested by open force or violence, perhaps, but by indirect attempts to check your growth and prosperity. As far as she can, she will disgrace every thing connected with you. Her reviewers, paragraphists, and travellers, will assail you and your institutions; and no means will be left untried to bring you to contemn yourselves, and be contemned by others. I thank God, they have not now the means they once possessed of effecting their objects. No; the late war has given

you a tone of feeling and thinking which forbids the acknowledgment of national inferiority—that first of political evils. Had we not encountered Great Britain, we should not have had the brilliant points to rest on which we now have. We, too, have now our heroes and illustrious actions. If Great Britain has her Wellington, we have our Jackson, Brown and Scott. If she has her naval heroes, we also have them, not less renowned—for they have plucked the laurel from her brows. It is impossible that we can now be degraded by comparisons : I trust we are equally above corruption and intrigue ; and that when the contest comes, it will be tried only by force of arms.

Let us now consider the measures of preparation which sound policy dictates. First, then, as to the extent, without reference to the kind. These measures ought to be graduated by a reference to the character and capacity of both countries. England excels in means all countries that now exist, or ever did exist ; and has, besides, great moral resources. She is intelligent, and renowned for masculine virtues. On our part, our measures ought to correspond with that lofty policy, which becomes freemen determined to defend their rights. Thus circumstanced on both sides, we ought to omit no preparation fairly within the compass of our means. Next, as to the species of preparation—a question which opens subjects of great extent and importance. The navy, most certainly, in any point of view, occupies the first place. It is the most safe, most effectual and cheapest mode of defence. For let the fact be remembered, our navy costs less per man, including all the amount of extraordinary expenditures on the lakes, than our army.

This is an important fact which ought to be fixed in the memory of the House ; for, if the force be the safest and most efficient, which is at the same time the cheapest, on that should be our principal reliance. We have heard much of the danger of standing armies to our liberties :—the objection

cannot be made to the navy. Generals, it must be acknowledged, have often advanced at the head of armies to imperial rank and power; but in what instance has an admiral usurped the liberties of his country? Put our strength in the navy for foreign defence, and we shall certainly escape the whole catalogue of possible ills painted by gentlemen on the other side. A naval force attacks that country, from whose hostilities, alone, we have any thing to dread, where she is most assailable, and defends its own where it is weakest. Where is Great Britain most vulnerable? In what point is she most accessible to attack? In her commerce—in her navigation. There she is not only exposed, but the blow is fatal. There is her strength—there the secret of her power. There, then, if it ever shall become necessary, we ought to strike. And where are we most exposed? On the Atlantic line;—a line so long and weak, that we are peculiarly liable to be assailed on it. How is it to be defended? By a navy, and by a navy only, can it be efficiently defended. Let us look back to the time when the enemy was in possession of the whole line of the sea-coast, moored in our rivers, and ready to assault us at every point. The facts are too recent to require a minute description. I will only state, generally, that our commerce was cut up—our specie circulation destroyed—our internal communication interrupted—our best and cheapest highway being entirely in possession of the enemy—our ports foreign the one to the other—our treasury exhausted in merely defensive preparations and militia requisitions—for not knowing where we would be assailed, we had, at the same moment, to stand prepared at every point. A recurrence of this state of things, so oppressive to the country, in the event of another war, can be prevented only by the establishment and maintenance of a sufficient naval force. I think it proper to press this point thus strongly, because, though it is generally assented to, that the navy ought to be increased, I find that assent too

cold—the approbation bestowed on it too negative in its character. The navy ought, it is said, to be gradually increased. If the navy is to be increased at all, let its augmentation be limited only by your ability to build, officer and man. If it is the kind of force most safe, and at the same time most efficient to guard against foreign invasion, or repel foreign aggression, you ought to put your whole force on the seaside. It is estimated that we have in our country eighty thousand sailors. This would enable us to man a considerable fleet, which, if well-directed, would give us the habitual command on our own coast—an object, in every point of view, so desirable. Not that we ought hastily, without due preparation, under present circumstances, to build a large number of vessels ; but we ought to commence preparations—establish docks, collect timber and naval stores; and, as soon as the materials are prepared, to commence building, to the extent which I have mentioned. If any thing can preserve the country in its most imminent dangers from abroad, it is this species of armament. If we desire to be free from future wars (as I hope we may be), this is the only way to effect it. We shall have peace then, and, what is of still higher moment, peace with perfect security.

In regard to our present military establishment, it is small enough. This the Honorable Speaker has fully demonstrated. It is not, at present, sufficiently large to occupy all our fortresses. Gentlemen have spoken in favor of the militia, and against the army. In regard to the militia, I will go as far as any gentleman, and considerably further than those who are so violently opposed to our small army. I desire not only to arm the militia, but to extend their term of service, and make them efficient. To talk about the efficiency of militia, called into service for six months only, is to impose on the people,—to ruin them with false hopes. I am aware of the danger of large standing armies, and I know that the militia constitutes the true force

of the country; that no nation can be safe, at home and abroad, which has not an efficient militia; but the term of service ought to be enlarged, to enable them to acquire a knowledge of the duties of the camp, and to allow the habits of civil life to be broken. For although militia, freshly drawn from their homes, may, in a moment of enthusiasm, do great service, as at New Orleans; yet, in general, they are not calculated for service in the field, until time is allowed them to acquire habits of discipline and subordination. On land, your defence ought to depend on a regular draught from the body of the people. You will thus, in time of war, dispense with the business of recruiting, a mode of defending the country every way uncongenial with our republican institutions. Uncertain, slow in its operation and expensive, it draws from society only its worst materials; introducing into our army, of necessity, all the severities which are exercised in that of the most despotic governments. Thus composed, our armies, in a great degree, lose that enthusiasm with which citizen soldiers, conscious of liberty and fighting in defence of their country, have ever been animated. All the free nations of antiquity intrusted the defence of the country, not to the dregs of society, but to the body of its citizens; and hence that heroism, which nations, in modern times, may admire but cannot equal. I know that I utter truths unpleasant to those who wish to enjoy liberty without making the efforts necessary to secure it. Her favor is never won by the cowardly, the vicious, or indolent. It has been said by some physicians, that life is a forced state. The same may be said of freedom. It requires efforts, it presupposes mental and moral qualities of a high order to be generally diffused in the society where it exists. It mainly stands on the faithful discharge of two great duties which every citizen of proper age owes the republic; a wise and virtuous exercise of the right of suffrage, and a prompt and brave

defence of the country in the hour of danger. The first symptom of decay has ever appeared in the backward and negligent discharge of the latter duty. Those who are acquainted with the historians and orators of antiquity, know the truth of this assertion. The least decay of patriotism, the least verging towards pleasure and luxury, will there immediately discover itself. Large standing and mercenary armies then become necessary; and those who are unwilling to render the military service adequate to the defence of their rights, soon find, as they ought to do, a master. It is the order of nature, and cannot be reversed. The plan I propose, will at once put an efficient force into your hands, and render you secure. I cannot agree with those who think we are free from danger, and need not prepare for it, because we have no nation to dread in our immediate neighborhood. Recollect that the nation with whom we have recently terminated a severe conflict lives on the bosom of the deep; that, although three thousand miles of ocean intervene between us, she can attack you with as much facility as if she had but two or three hundred miles overland to march. She is as near to you as if she occupied Canada instead of the British Isles. You have the power of assailing, as well as of being assailed; her provinces border on your territory, the dread of losing which, if you are prepared to attack them, will contribute to that peace which every honest man is anxious to maintain as long as possible.

I shall now proceed to a point of less, but still of great importance,—I mean the establishing of roads and the opening of canals through various parts of the country. Your country has certain points of feebleness and certain points of strength about it. Your feebleness ought to be removed —your strength improved. Your population is widely dispersed. Though this be greatly advantageous in one respect, —that of preventing the country from being permanently conquered,—it imposes a great difficulty in defending it

from invasion, because of the difficulty of transportation from one point to another of your widely extended frontiers. We ought to contribute as much as possible to the formation of good military roads, not only on the score of general political economy, but to enable us, on emergencies, to collect the whole mass of our military means on the point menaced. The people are brave, great and spirited, but they must be brought together in sufficient numbers, and with a certain promptitude, to enable them to act with effect. The importance of military roads was well known to the Romans. The remains of their roads exist to this day, some of them uninjured by the ravages of time. Let us make great permanent roads ; not like the Romans with views of subjecting and ruling provinces, but for the more honorable purposes of defence, and of connecting more closely the interests of various sections of this great country. Let any one look at the vast cost of transportation during the war, much of which is chargeable to the want of good roads and canals, and he will not deny the vast importance of a due attention to this object.

Next, let us consider the proper encouragement to be afforded to the industry of the country. In regard to the question, how far manufactures ought to be fostered, it is the duty of this country, as a means of defence, to encourage its domestic industry, more especially that part of it which provides the necessary materials for clothing and defence. Let us look at the nature of the war most likely to occur. England is in possession of the ocean ; no man, however sanguine, can believe that we can soon deprive her of her maritime predominance. That control deprives us of the means of maintaining, cheaply clad, our army and navy. The question relating to manufactures must not depend on the abstract principle, that industry, left to pursue its own course, will find, in its own interests, all the encouragement that is necessary. Laying the claims of manufacturers entirely out of view,

on general principles, without regard to their interests, a certain encouragement should be extended, at least, to our woollen and cotton manufactures.

There is another point of preparation not to be overlooked—the defence of our coast, by means other than the navy, on which we ought to rely mainly, but not entirely. The coast is our weak part, which ought to be rendered strong, if it be in our power to make it so. There are two points on our coast particularly weak—the mouths of the Mississippi and the Chesapeake Bay—which ought to be cautiously attended to, not, however, neglecting others. The administration which leaves these two points in another war without fortifications, ought to receive the execration of the country. Look at the facility afforded by the Chesapeake Bay to maritime powers in attacking us. If we estimate with it the margin of rivers navigable for vessels of war, it adds fourteen hundred miles, at least, to the line of our sea-coast, and that of the worst character; for when an enemy is there, it is without the fear of being driven from it: he has, besides, the power of assaulting two shores at the same time, and must be expected on both. Under such circumstances, no degree of expense would be too great for its defence. Besides, the whole margin of the Bay is an extremely sickly one, and fatal to the militia of the upper country. How it is to be defended, military and naval men will be best judges; but I believe that steam frigates ought at least to constitute a part of the means; the expense of which, however great, the people ought and would cheerfully bear.

I might now call the attention of the committee to other points, but, for the fear of fatiguing them, I will mention only my views in regard to our finances, as connected with preparatory measures. A war with Great Britain will immediately distress your finances, so far as your revenue depends on imports. It is impossible, during war, to prepare a system of internal revenue in time to meet the defect thus

occasioned. Will Congress then leave the nation wholly dependent on foreign commerce for its revenue? This Union is rapidly changing the character of its industry. When a country is agricultural, depending for supply on foreign markets, its people may be taxed through its imports almost to the amount of its capacity. The country, however, is rapidly becoming, to a considerable extent, a manufacturing community. We find that exterior commerce (not including the coasting trade) is every day bearing less and less proportion to the entire wealth and strength of the nation. Its financial resources will, therefore, daily become weaker and weaker, instead of growing with its growth, if we do not resort to other objects than our foreign commerce for taxation. But gentlemen say, that the moral power of the nation ought not to be neglected; and that moral power is inconsistent with *oppressive taxes* on the people. With *oppressive taxes*, moral power certainly is inconsistent; but, to make them oppressive, they must be both heavy and unnecessary. I agree, therefore, with gentlemen in their premises, but not in their conclusion, that, because oppressive taxes destroy the whole moral power of the country, there ought, therefore, to be no taxes at all. Such a conclusion is certainly erroneous. Let us examine the question, whether a tax laid for the defence, security, and lasting prosperity of a country, is calculated to destroy its moral power, and more especially of this country. If such be the fact, indispensable as I believe these taxes to be, I will relinquish them; for of all the powers of the Government, the power of a moral kind is most to be cherished. We had better give up all our physical power, than part with this. But what is moral power? The zeal of the country, and the confidence it reposes in the administration of its Government. Will it be diminished by imposing taxes wisely and moderately? If you suppose the people intelligent and virtuous, this cannot be admitted. But if a majority of them be ignorant and vicious, then it is probable

that a tax laid for the most judicious purpose may deprive you of their confidence. The people, I believe, are intelligent and virtuous. The more wisely, then, you act ; the less you yield to the temptation of ignoble and false security, the more you attract their confidence. The very existence of your Government proves their intelligence ; for, let me say to this House that, if one who knew nothing of this people were made acquainted with its government, and with the fact that it had sustained itself for thirty years, he would know at once that this was a most intelligent and virtuous people. Convince the people that measures are necessary and wise, and they will maintain them. Already they go far, very far before this House, in energy and public spirit. If ever measures of this description become unpopular, it will be by speeches here. Are any willing to lull the people into false security ? Can they withdraw their eyes from facts menacing the prosperity, if not the existence of the country ? Are they willing to inspire them with sentiments injurious to their lasting peace and prosperity ? The subject is grave ; it is connected with the happiness and existence of our institutions. I most sincerely hope that the members of this House are *the real agents of the people.* They are sent here, not to consult their ease and convenience, but their general defence and common welfare. Such is the language of the constitution. In discharge of the sacred trust reposed in me by those for whom I act, I have faithfully pointed out those measures which our situation and relation to the rest of the world render necessary for our security and prosperity. They involve, no doubt, much expense ; they require considerable sacrifices on the part of the people ; but are they on that account to be rejected ? We are called on to choose. On the one side is ease, it is true ; but, on the other, the security of the country. We may dispense with the taxes ; we may neglect every measure of precaution, and feel no *immediate* disaster ; but, in such a state

of things, what virtuous, what wise citizen, but must look on the future with dread. I know of no situation so responsible, if properly considered, as ours. We are charged by Providence, not only with the happiness of this great and rising people, but, in a considerable degree, with that of the human race. We have a government of a new order, perfectly distinct from all others which have preceded it—a government founded on the rights of man ; resting, not on authority, not on prejudice, not on superstition, but reason. If it shall succeed, as fondly hoped by its founders, it will be the commencement of a new era in human affairs. All civilized governments must, in the course of time, conform to its principles. Thus circumstanced, can you hesitate what course to choose ? The road that wisdom indicates, leads, it is true, up the steep, but leads also to security and lasting glory. No nation that wants the fortitude to tread it, ought ever to aspire to greatness. Such ought, and will sink into the list of those that have done nothing to be known or remembered. It is immutable,—it is in the nature of things. The love of present ease and pleasure, indifference about the future,—that fatal weakness of human nature,—has never failed, in individuals or nations, to sink to disgrace and ruin. On the contrary, virtue and wisdom, which regard the future, which spurn the temptations of the moment, however rugged their path, end in happiness. Such are the universal sentiments of all wise writers, from the didactics of the philosopher to the fictions of the poet. They agree and inculcate, that pleasure is a flowery path, leading off among groves and gardens, but ending in a dreary wilderness ; that it is the siren's voice, that he who listens to is ruined ; that it is the cup of Circe, of which whosoever drinks, is converted into a swine. This is the language of fiction. Reason teaches the same lesson. It is my wish to elevate the national sentiment to that which animates every just and virtuous mind. No effort is needed here to impel us the opposite way. That

also may be but too safely trusted to the frailties of our nature. This country is now in a situation similar to that which one of the most beautiful writers of antiquity ascribes to Hercules in his youth. He represents the hero as retiring into the wilderness to deliberate on the course of life which he ought to choose. Two goddesses approach him ; one recommending a life of ease and pleasure ; the other of labor and virtue. The hero adopts the counsel of the latter, and his fame and glory are known to the world. May this country, the youthful Hercules, possessing his form and muscles, be animated by similar sentiments, and follow his example !

SPEECH

On the Bill, to establish a National Bank, delivered in the House of Representatives, February 26th, 1816.

[NOTE.—A Bill "to incorporate the Subscribers to the Bank of the United States," was reported by Mr. Calhoun, Chairman of the Committee on National Currency, on the 8th of January, 1816, and referred to the Committee of the Whole. It was not, it seems, called up until the 26th of February following, when, on motion of Mr. Calhoun, the intervening orders were postponed for that purpose, and the debate commenced, which continued, with little interruption, until the 14th of March, when it passed the House by a vote of 80 to 71. The discussion embraced both principle and detail, and the ablest men of both parties took part in it. The supporters of the Bill were Messrs. Calhoun, Clay, Cuthbert, Sharp, Condict, Forsythe, Grosvenor, Wilde, Telfair, Wright, and others ; its opponents, Messrs. Randolph, Webster, Cady, Pickering, Pitkin, Sergeant, Hanson, Stanford, Hopkinson, Culpepper, Gaston, Hardin, and others. A large majority of the

Republican Party voted for the Bill;—influenced, no doubt, by the peculiar circumstances of the time.]

Mr. Calhoun rose to explain his views of a subject, so interesting to the republic, and so necessary to be correctly understood, as that of the bill now before the committee. He proposed, at this time, only to discuss general principles, without reference to details. He was aware, he said, that principle and detail might be united; but he should, at present, keep them distinct. He did not propose to comprehend, in this discussion, the power of Congress to grant bank charters; nor the question whether the general tendency of banks was favorable or unfavorable to the liberty and prosperity of the country; nor the question whether a national bank would be favorable to the operations of the Government. To discuss these questions, he conceived, would be an useless consumption of time. The constitutional question had been already so freely and frequently discussed, that all had made up their minds on it. The question whether banks were favorable to public liberty and prosperity, was one purely speculative. The fact of the existence of banks, and their incorporation with the commercial concerns and industry of the nation, prove that inquiry to come too late. The only question was, on this hand, under what modifications were banks most useful; and whether the United States ought, or ought not, to exercise the power to establish a bank. As to the question whether a national bank would be favorable to the administration of the finances of the Government, it was one on which there was so little doubt, that gentlemen would excuse him if he did not enter into it. Leaving all these questions, then, Mr. C. said, he proposed to examine the cause and state of the disorders of the national currency, and the question whether it was in the power of Congress, by establishing a national bank, to remove these disorders. This, he observed, was a question of novelty,

and vital importance ; a question which greatly affected the character and prosperity of the country.

As to the state of the currency, Mr. C. proceeded to remark, that it was extremely depreciated, and, in degrees, varying according to the different sections of the country. All would assent, that this state of the currency was a stain on public and private credit, and injurious to the morals of the community. This was so clear a position that it required no proof. There were, however, other considerations, arising from the state of the currency, not so distinctly felt, nor so generally assented to. The state of our circulating medium was, he said, opposed to the principles of the federal constitution. The power was given to Congress, by that instrument, in express terms, to regulate the currency of the United States. In point of fact, he said, that power, though given to Congress, is not in their hands. The power is exercised by banking institutions, no longer responsible for the correctness with which they manage it. Gold and silver have disappeared entirely. There is no money but paper money ; and that money is beyond the control of Congress. No one, he said, who referred to the constitution, could doubt that the money of the United States was intended to be placed entirely under the control of Congress. The only object the framers of the constitution could have had in view, in giving to Congress the power to coin money, regulate the value thereof, and of foreign coins, must have been to give a steadiness and fixed value to the currency of the United States. The state of things, at the time of the adoption of the constitution, afforded Mr. C. an argument in support of his construction. There then existed, he said, a depreciated paper currency, which could only be regulated and made uniform by giving a power for that purpose to the General Government. The States could not do it. He argued, therefore, taking into view the prohibition against the States issuing bills of credit, that there was a strong presumption

this power was intended to be given exclusively to Congress. Mr. C. acknowledged there is no provision in the constitution by which the States were prohibited from creating banks which now exercise this power. But, he said, that banks were then but little known. There was but one, the Bank of North America, with a capital of only four hundred thousand dollars, and the universal opinion was that bank-notes represented gold and silver; and that, under this impression, there could be no necessity to prohibit banking institutions, because their notes always represented gold and silver; and these could not be multiplied beyond the demands of the country. Mr. C. drew the distinction between banks of deposit and banks of discount; the latter of which were then but little understood, and their abuse not conceived of until demonstrated by recent experience. No man, he remarked, in the convention, as much talent and wisdom as it contained, could possibly have foreseen the course of these institutions; that they would have multiplied from one to two hundred and sixty; from a capital of four hundred thousand dollars to one of eighty millions; from being consistent with the provisions of the constitution, and the exclusive right of Congress to regulate the currency, that they would be directly opposed to it; that, so far from their credit depending on their punctuality in redeeming their bills with specie, they might go on *ad infinitum* in violation of their contract, without a dollar in their vaults. There had indeed, Mr. C. said, been an extraordinary revolution in the currency of the country. By a sort of under-current, the power of Congress to regulate the money of the country had caved in, and upon its ruins had sprung up those institutions which now exercised the right of making money for and in the United States; for gold and silver are not now the only money—whatever is the medium of purchase and sale must take their place; and, as bank paper alone was now employed for this purpose, it had become the money of the country.

A change great and wonderful has taken place, said he, which divests you of your rights, and turns you back to the condition of the revolutionary war, in which every State issued bills of credit, which were made a legal tender, and were of various values.

This then, Mr. C. said, was the evil. We have, in lieu of gold and silver, a paper medium, unequally but generally depreciated, which affects the trade and industry of the country; which paralyzes the national arm; which sullies the faith, both public and private, of the United States; a medium no longer resting on gold and silver as its basis. We have, indeed, laws regulating the currency of foreign coins; but they are, under present circumstances, a mockery of legislation, because there is no coin in circulation. The right of making money, an attribute of sovereign power, a sacred and important right, was exercised by two hundred and sixty banks, scattered over every part of the United States, not responsible to any power whatever for their issues of paper. The next and great inquiry was, he said, how this evil was to be remedied. Restore, said he, these institutions to their original use; cause them to give up their usurped power; cause them to return to their legitimate office of places of discount and deposit; let them be no longer mere paper machines; restore the state of things which existed anterior to 1813, which was consistent with the just policy and interests of the country; cause them to fulfil their contracts—to respect their broken faith; resolve that every where there shall be a uniform value to the national currency; your constitutional control will then prevail.

How then, he proceeded to examine, was this desirable end to be attained? What difficulty stood in the way? The reason why the banks could not now comply with their contracts, was that conduct, which, in private life, frequently produces the same effect. It was owing to the prodigality of their engagements, without means to fulfil them; to their

issuing more paper than they could possibly redeem with specie. In the United States, according to the best estimate, there were not in the vaults of all the banks more than fifteen millions of specie, with a capital amounting to about eighty-two millions of dollars. Hence the cause of the depreciation of bank-notes—the excess of paper in circulation beyond that of specie in their vaults. This excess was visible to the eye, and almost audible to the ear; so familiar was the fact, that this paper was emphatically called "*trash*" or "*rags.*" According to estimation, also, he said there were in circulation at the same date, within the United States, two hundred millions of dollars of bank-notes, credit, and bank paper in one shape or other. Supposing thirty millions of these to be in possession of the banks themselves, there were, perhaps, one hundred and seventy millions actually in circulation, or on which the banks draw interest. The proportion between demand and supply, which regulates the price of every thing, regulates also the value of this paper. In proportion as the issue is excessive, it depreciates in value —and no wonder, when, since 1810 or 1811, the amount of paper in circulation had increased from eighty or ninety, to two hundred millions. Mr. C. here examined the opinion entertained by some gentlemen, that bank paper had not depreciated, but that gold and silver had appreciated—a position he denied by arguments, founded on the portability of gold and silver, which would equalize their value in every part of the United States; and on the facts that gold and silver coin had increased in quantity instead of diminishing, and that exchange on Great Britain (at gold and silver value) had been, for some time past, in favor of the United States. Yet, he said, gold and silver were leaving our shores. In fact we have degraded the metallic currency; we have treated it with indignity; it leaves us and seeks an asylum on foreign shores. Let it become again the basis of bank transactions and it will revisit us.

Having established, as he conceived, in the course of his remarks, that the excess of paper issue was the true and only cause of depreciation of our paper currency, Mr. C. turned his attention to the manner in which that excess had been produced. It was intimately connected with the suspension of specie payments. They stood as cause and effect. First, the excessive issues caused the suspension of specie payments ; and advantage had been taken of that suspension to issue still greater floods of it. The banks had undertaken to do a new business, uncongenial with the nature of such institutions. They undertook to make loans to Government, not as brokers, but as stockholders—a practice wholly inconsistent with specie payments. After showing the difference between the ordinary business of a bank, in discounts, and the making loans for twelve years, Mr. C. said, indisputably the latter practice was a great and leading cause of the suspension of specie payments. Of this species of property (public stock) the banks in the United States held, on the 30th day of September last, about eighteen and a half millions, and a nearly equal amount of treasury notes, besides stock for long loans made to the State Governments ; amounting, altogether, to nearly forty millions—being a large proportion of their actual capital. This, he said, was the great cause of the suspension of specie payments.

Had the banks (he now discussed the question) the capacity to resume specie payments ? If they have the disposition, they may resume specie payments. The banks, he said, were not insolvent : they never were more solvent. If so, the term itself implies, that if time be allowed them they may, before long, be in a condition to resume payments of specie. If the banks would regularly and consentaneously begin to dispose of their stock,—to call in their notes for the treasury notes they have,—and moderately to curtail their private discounts ; if they would act in concert in this manner, they might resume specie payments. If they were to withdraw,

by the sale of a part only of their stock and treasury notes, twenty-five millions of their notes from circulation, the rest would be appreciated to par, or nearly so; and they would still have fifteen millions of stock disposable to send to Europe for specie, &c. With $30,000,000 in their vaults, and so much of their paper withdrawn from circulation, they would be in a condition to resume payments in specie. The only difficulty—that of producing concert—was one which it belonged to Congress to surmount. The indisposition of the banks, from motives of interest, obviously growing out of the vast profits most of them have lately realized, by which the stockholders have received from 12 to 20 per cent. on their stock, would be, he showed, the greatest obstacle. What, he asked, was a bank? An institution, under present uses, to make money. What was the instinct of such an institution? Gain, gain, nothing but gain: and they would not willingly relinquish their gain, from the present state of things (which was profitable to them), acting as they did without restraint and without hazard. Those who believe that the present state of things would ever cure itself, Mr. C. said, must believe what is impossible. Banks must change their nature, lay aside their instinct, before they will voluntarily aid in doing what it is not their interest to do. By this process of reasoning he came to the conclusion that it rested with Congress to make them return to specie payments, by making it their interest to do so. This introduced the subject of the National Bank.

A national bank, he said, paying specie itself, would have a tendency to make specie payments general, as well by its influence as by its example. It will be the interest of the National Bank to produce this state of things, because, otherwise, its operations will be greatly circumscribed; as it must pay out specie or national bank-notes: for he presumed one of the first rules of such a bank would be, to take the notes of no bank which did not pay in gold or silver. A national

bank of thirty-five millions, with the aid of those banks which are at once ready to pay specie, would produce a powerful effect all over the Union. Further; a national bank would enable the Government to resort to measures which would make it unprofitable to banks to continue the violation of their contracts, and advantageous to return to the observance of them. The leading measures, of this character, would be to strip the banks, refusing to pay specie, of all the profits arising from the business of the Government; to prohibit deposits with them; and to refuse to receive their notes in payment of dues to the Government. How far such measures would be efficacious in producing a return to specie payments, he was unable to say; but it was as far as he was willing to go, at the present session. If they persisted in refusing to resume payments in specie, Congress must resort to measures of a deeper tone, which they might rightfully do.

The restoration of specie payments, Mr. C. argued, would remove the embarrassments under which the industry of the country labored, and the stains from its public and private faith. It remained to see, whether this House, without whose aid it was in vain to expect success in this object, would have the fortitude to apply the remedy. If this was not the proper remedy, he hoped such an one would be proposed as a substitute, instead of opposing this by vague and general declamation against banks. The disease, he said, was deep: it affected public opinion, and whatever affects public opinion, touches the vitals of the Government. Hereafter Congress would never stand in the same relation to this measure in which they now did. The disease arose in time of war—the war had subsided, but left the disease, which it was now in the power of Congress to eradicate: but if they did not now exercise the power, they would become abettors of a state of things which was of vital consequence to public morality, as he showed by various illustrations. He called upon the House, as guardians of the public weal, of the

health of the body politic, which depended on public morals, to interpose against a state of things which was inconsistent with both. He appealed to the House, too, as the guardians of public and private faith. In what manner, he asked, were the public contracts fulfilled? In gold and silver, in which the Government had stipulated to pay? No. In paper issued by these institutions; in paper greatly depreciated; in paper depreciated from five to twenty per cent. below the currency in which the Government had contracted to pay, &c. He added another argument—the inequality of taxation, in consequence of the state of the circulating medium; which, notwithstanding the taxes were laid with strict regard to the constitutional provision for their equality, made the people in one section of the Union pay, perhaps, one-fifth more of the same tax than those in another. The constitution having given Congress the power to remedy these evils, they were, he contended, deeply responsible for their continuance.

The evil he desired to remedy, Mr. C. said, was a deep one—almost incurable, because connected with public opinion, over which banks have a great control. They have, in a great measure, a control over the press, for proof of which he referred to the fact that the present wretched state of the circulating medium had scarcely been denounced by a single paper within the United States. The derangement of the circulating medium, he said, was a joint thrown out of its socket. Let it remain for a short time in that state, and the sinews will be so knit that it cannot be replaced: apply the remedy soon, and it is an operation easy, though painful. The evil grows, while the resistance to it becomes weak, and unless checked at once will become irresistible. Mr. C. concluded the speech, of which the above is a mere outline, by observing, that he could have said much more on this important subject, but he knew how difficult it was to gain the attention of the House to long addresses.

SPEECH

On the New Tariff Bill, delivered in the House of Representatives, April 6th, 1816.

[NOTE.—Under a resolution of the House (February 23, 1815), the Secretary of the Treasury, on the 12th of February, 1816, submitted an elaborate Report to Congress, on the subject of a general tariff of duties proper to be imposed on imported goods, wares, and merchandise. On this a Bill was subsequently framed, reported, and referred to the Committee of the Whole. The details were discussed at great length—and the Bill, after various amendments, finally passed the House, April 8th, 1816, by a vote of 88 to 54. During the debate, an amendment was moved by Mr. Tucker (not Mr. Randolph, as is frequently stated), to strike out the minimum price of 25 cents per square yard on cottons, which was warmly discussed. Mr. Calhoun, Chairman of the Committee on the National Currency, was, at the time, very busily engaged in framing his celebrated Report; when he was suddenly called from the committee room, by the Chairman of the Committee on Manufactures, to reply to the arguments of Mr. Tucker and others. The sketch of his remarks is, of course, imperfect. The views expressed were uttered on the spur of the occasion, without study or premeditation; and were not such (as the Speaker has since publicly declared) as received the sanction of his more matured experience and reflection. The same remark may be made, generally, of his speeches on the Bank and Internal Improvement.]

THE debate heretofore on this subject has been on the degree of protection which ought to be afforded to our cotton and woollen manufactures: all professing to be friendly to those infant establishments, and to be willing to extend to them adequate encouragement. The present motion assumes a new aspect. It is introduced professedly on the ground that manufactures ought not to receive any encouragement; and will, in its operation, leave our cotton establishments ex-

posed to the competition of the cotton goods of the East Indies, which, it is acknowledged on all sides, they are not capable of meeting with success, without the proviso proposed to be stricken out by the motion now under discussion. Till the debate assumed this new form, he had determined to be silent; participating, as he largely did, in that general anxiety which is felt, after so long and laborious a session, to return to the bosom of our families. But, on a subject of such vital importance, touching, as it does, the security and permanent prosperity of our country, he hoped that the House would indulge him in a few observations. He regretted much his want of preparation; he meant not a verbal preparation, for he had ever despised such; but that due and mature meditation and arrangement of thought which the House is entitled to on the part of those who occupy any portion of their time. But, whatever his arguments might want on that account in weight, he hoped might be made up in the disinterestedness of his situation. He was no manufacturer; he was not from that portion of our country supposed to be peculiarly interested. Coming, as he did, from the South; having, in common with his immediate constituents, no interest, but in the cultivation of the soil, in selling its products high, and buying cheap the wants and conveniences of life, no motives could be attributed to him but such as were disinterested.

He had asserted that the subject before them was connected with the security of the country. It would, doubtless, by some be considered a rash assertion; but he conceived it to be susceptible of the clearest proof; and he hoped, with due attention, to establish it to the satisfaction of the House.

The security of a country mainly depends on its spirit and its means; and the latter principally on its moneyed resources. Modified as the industry of this country now is, combined with our peculiar situation and want of a naval

ascendency, whenever we have the misfortune to be involved in a war with a nation dominant on the ocean—and it is almost only with such we can at present be—the moneyed resources of the country to a great extent must fail. He took it for granted that it was the duty of this body to adopt those measures of prudent foresight which the event of war made necessary. We cannot, he presumed, be indifferent to dangers from abroad, unless, indeed, the House is prepared to indulge in the phantom of eternal peace, which seems to possess the dream of some of its members. Could such a state exist, no foresight or fortitude would be necessary to conduct the affairs of the republic; but as it is the mere illusion of the imagination, as every people that ever has or ever will exist is subjected to the vicissitudes of peace and war, it must ever be considered as the plain dictate of wisdom in peace to prepare for war. What, then, let us consider, constitute the resources of this country, and what are the effects of war on them? Commerce and agriculture, till lately almost the only, still constitute the principal, sources of our wealth. So long as these remain uninterrupted, the country prospers; but war, as we are now circumstanced, is equally destructive to both. They both depend on foreign markets; and our country is placed, as it regards them, in a situation strictly insular; a wide ocean rolls between. Our commerce neither is nor can be protected by the present means of the country. What, then, are the effects of a war with a maritime power—with England? Our commerce annihilated, spreading individual misery and producing national poverty; our agriculture cut off from its accustomed markets, the surplus product of the farmer perishes on his hands, and he ceases to produce because he cannot sell. His resources are dried up, while his expenses are greatly increased; as all manufactured articles, the necessaries as well as the conveniences of life, rise to an extravagant price. The recent war fell with peculiar pressure on the growers of

cotton and tobacco, and other great staples of the country ; and the same state of things will recur in the event of another, unless prevented by the foresight of this body. If the mere statement of facts did not carry conviction to every mind, as he conceives it is calculated to do, additional arguments might be drawn from the general nature of wealth. Neither agriculture, manufactures, nor commerce, taken separately, is the cause of wealth ; it flows from the three combined, and cannot exist without each. The wealth of any single nation or an individual, it is true, may not immediately depend on the three, but such wealth always presupposes their existence. He viewed the words in the most enlarged sense. Without commerce, industry would have no stimulus ; without manufactures, it would be without the means of production ; and without agriculture neither of the others can subsist. When separated entirely and permanently, they perish. War in this country produces, to a great extent, that effect ; and hence the great embarrassment which follows in its train. The failure of the wealth and resources of the nation necessarily involved the ruin of its finances and its currency. It is admitted by the most strenuous advocates, on the other side, that no country ought to be dependent on another for its means of defence ; that, at least, our musket and bayonet, our cannon and ball ought to be of domestic manufacture. But what, he asked, is more necessary to the defence of a country than its currency and finance ? Circumstanced as our country is, can these stand the shock of war ? Behold the effect of the late war on them. When our manufactures are grown to a certain perfection, as they soon will under the fostering care of Government, we will no longer experience these evils. The farmer will find a ready market for his surplus produce ; and, what is almost of equal consequence, a certain and cheap supply of all his wants. His prosperity will diffuse itself to every class in the community ; and, instead of that

languor of industry and individual distress now incident to a state of war and suspended commerce, the wealth and vigor of the community will not be materially impaired. The arm of Government will be nerved; and taxes in the hour of danger, when essential to the independence of the nation, may be greatly increased; loans, so uncertain and hazardous, may be less relied on; thus situated, the storm may beat without, but within all will be quiet and safe. To give perfection to this state of things, it will be necessary to add, as soon as possible, a system of internal improvements, and at least such an extension of our navy as will prevent the cutting off our coasting trade. The advantage of each is so striking as not to require illustration, especially after the experience of the recent war. It is thus the resources of this Government and people would be placed beyond the power of a foreign war materially to impair. But it may be said that the derangement then experienced, resulted, not from the cause assigned, but from the errors of the weakness of the Government. He admitted that many financial blunders were committed, for the subject was new to us; that the taxes were not laid sufficiently early, or to as great an extent as they ought to have been; and that the loans were in some instances injudiciously made; but he ventured to affirm that, had the greatest foresight and fortitude been exerted, the embarrassment would have been still very great; and that even under the best management, the total derangement which was actually felt would not have been postponed eighteen months, had the war so long continued. How could it be otherwise? A war such as this country was then involved in, in a great measure dries up the resources of individuals, as he had already proved; and the resources of the Government are no more than the aggregate of the surplus incomes of individuals called into action by a system of taxation. It is certainly a great political evil, incident to the character of the industry of this country,

that, however prosperous our situation when at peace, with an uninterrupted commerce—and nothing then could exceed it—the moment that we were involved in war the whole is reversed. When resources are most needed, when indispensable to maintain the honor, yes, the very existence of the nation, then they desert us. Our currency is also sure to experience the shock, and become so deranged as to prevent us from calling out fairly whatever of means is left to the country. The result of a war in the present state of our naval power, is the blockade of our coast, and consequent destruction of our trade. The wants and habits of the country, founded on the use of foreign articles, must be gratified ; importation to a certain extent continues, through the policy of the enemy or unlawful traffic ; the exportation of our bulky articles is prevented, too ; the specie of the country is drawn to pay the balance perpetually accumulating against us ; and the final result is, a total derangement of our currency. To this distressing state of things there were two remedies—and only two ; one in our power immediately, the other requiring much time and exertion ; but both constituting, in his opinion, the essential policy of this country : he meant the navy and domestic manufactures. By the former, we could open the way to our markets ; by the latter, we bring them from beyond the ocean, and naturalize them. Had we the means of attaining an immediate naval ascendency, he acknowledged that the policy recommended by this bill would be very questionable ; but as that is not the fact—as it is a period remote, with any exertion, and will be probably more so from that relaxation of exertion so natural in peace, when necessity is not felt, it becomes the duty of this House to resort, to a considerable extent, at least as far as is proposed, to the only remaining remedy.

But to this it has been objected that the country is not prepared, and that the result of our premature exertion would be to bring distress on it without effecting the intend-

ed object. Were it so, however urgent the reasons in its favor, we ought to desist, as it is folly to oppose the laws of necessity. But he could not for a moment yield to the assertion; on the contrary, he firmly believed that the country is prepared, even to maturity, for the introduction of manufactures. We have abundance of resources, and things naturally tend at this moment in that direction. A prosperous commerce has poured an immense amount of commercial capital into this country. This capital has, till lately, found occupation in commerce; but that state of the world which transferred it to this country, and gave it active employment, has passed away, never to return. Where shall we now find full employment for our prodigious amount of tonnage—where markets for the numerous and abundant products of our country? This great body of active capital, which for the moment has found sufficient employment in supplying our markets, exhausted by the war and measures preceding it, must find a new direction; it will not be idle. What channel can it take but that of manufactures? This, if things continue as they are, will be its direction. It will introduce a new era in our affairs, in many respects highly advantageous, and ought to be countenanced by the Government. Besides, we have already surmounted the greatest difficulty that has ever been found in undertakings of this kind. The cotton and woollen manufactures are not to be introduced—they are already introduced to a great extent; freeing us entirely from the hazards, and, in a great measure, the sacrifices experienced in giving the capital of the country a new direction. The restrictive measures and the war, though not intended for that purpose, have, by the necessary operation of things, turned a large amount of capital to this new branch of industry. He had often heard it said, both in and out of Congress, that this effect alone would indemnify the country for all of its losses. So high was this tone of feeling when the want of these establishments was practically felt, that

he remembered, during the war, when some question was agitated respecting the introduction of foreign goods, that many then opposed it, on the grounds of injuring our manufactures. He then said that war alone furnished sufficient stimulus, and perhaps too much, as it would make their growth unnaturally rapid; but that, on the return of peace, it would then be time for us to show our affection for them. He at that time did not expect an apathy and aversion to the extent which is now seen. But it will no doubt be said, if they are so far established, and if the situation of the country is so favorable to their growth, where is the necessity of affording them protection? It is to put them beyond the reach of contingency. Besides, capital is not yet, and cannot for some time be, adjusted to the new state of things. There is, in fact, from the operation of temporary causes, a great pressure on these establishments. They had extended so rapidly during the late war, that many, he feared, were without the requisite surplus capital or skill to meet the present crisis. Should such prove to be the fact, it would give a back set, and might, to a great extent, endanger their ultimate success. Should the present owners be ruined, and the workmen dispersed and turned to other pursuits, the country would sustain a great loss. Such would, no doubt, be the fact to a considerable extent, if not protected. Besides, circumstances, if we act with wisdom, are favorable to attract to our country much skill and industry. The country in Europe having the most skilful workmen is broken up. It is to us, if wisely used, more valuable than the repeal of the Edict of Nantz was to England. She had the prudence to profit by it: let us not discover less political sagacity. Afford to ingenuity and industry immediate and ample protection, and they will not fail to give a preference to this free and happy country.

It has been objected to this bill, that it will injure our marine, and consequently impair our naval strength. How

far it is fairly liable to this charge, he was not prepared to say. He hoped and believed it would not, at least to any alarming extent, have that effect immediately; and he firmly believed that its lasting operation would be highly beneficial to our commerce. The trade to the East Indies would certainly be much affected; but it was stated in debate that the whole of the trade employed but six hundred sailors. But, whatever might be the loss in this or other branches of our foreign commerce, he trusted it would be amply compensated in our coasting trade, a branch of navigation wholly in our own hands. It has at all times employed a great amount of tonnage; something more, he believed, than one-third of the whole: nor is it liable to the imputation thrown out by a member from North Carolina (Mr. Gaston), that it produced inferior sailors. It required long and dangerous voyages; and, if his information was correct, no branch of trade made better or more skilful seamen. The fact that it is wholly in our own hands is a very important one, while every branch of our foreign trade must suffer from competition with other nations.

Other objections of a political character were made to the encouragement of manufactures. It is said they destroy the moral and physical power of the people. This might formerly have been true, to a considerable extent, before the perfection of machinery, and when the success of the manufactures depended on the minute subdivision of labor. At that time it required a large portion of the population of a country to be engaged in them; and every minute subdivision of labor is undoubtedly unfavorable to the intellect; but the great perfection of machinery has in a considerable degree obviated these objections. In fact, it has been stated that the manufacturing districts in England furnish the greatest number of recruits to her army; and that, as soldiers, they are not materially inferior to the rest of her population. It has been further asserted that manufactures are the fruitful cause of

pauperism ; and England has been referred to as furnishing conclusive evidence of its truth. For his part, he could perceive no such tendency in them, but the exact contrary, as they furnished new stimulus and means of subsistence to the laboring classes of the community. We ought not to look to the cotton and woollen establishments of Great Britain for the prodigious numbers of poor with which her population was disgraced. Causes much more efficient exist. Her poor laws, and statutes regulating the price of labor, with heavy taxes, were the real causes. But, if it must be so—if the mere fact that England manufactured more than any other country explained the cause of her having more beggars, it is just as reasonable to refer to it her courage, spirit, and all her masculine virtues, in which she excels all other nations, with a single exception,—he meant our own—in which we might, without vanity, challenge a pre-eminence.

Another objection had been made, which, he must acknowledge, was better founded: that capital employed in manufacturing produced a greater dependence on the part of the employed, than in commerce, navigation, or agriculture. It is certainly an evil, and to be regretted ; but he did not think it a decisive objection to the system ; especially when it had incidental political advantages which, in his opinion, more than counterpoised it. It produced an interest strictly American,—as much so as agriculture ; in which it had the decided advantage of commerce or navigation. The country will from this derive much advantage. Again, it is calculated to bind together more closely our widely-spread republic. It will greatly increase our mutual dependence and intercourse ; and will, as a necessary consequence, excite an increased attention to Internal Improvements, a subject every way so intimately connected with the ultimate attainment of national strength and the perfection of our political institutions. He regarded the fact that it would make the parts adhere more closely ; that it would form a new and most

powerful cement, and outweighing any political objections that might be urged against the system. In his opinion the liberty and the union of this country were inseparably united. That, as the destruction of the latter would most certainly involve the former, so its maintenance will, with equal certainty, preserve it. He did not speak lightly. He had often and long revolved it in his mind, and he had critically examined into the causes that destroyed the liberty of other states. There are none that apply to us, or apply with a force to alarm. The basis of our republic is too broad, and its structure too strong, to be shaken by them. Its extension and organization will be found to afford effectual security against their operation ; but let it be deeply impressed on the heart of this House and country, that, while they guarded against the old, they exposed us to a new and terrible danger, Disunion. This single word comprehended almost the sum of our political dangers ; and against it we ought to be perpetually guarded.

SPEECH

On the Compensation Bill, delivered in the House of Representatives, Jan. 17th, 1817.

[NOTE.—March 4th, 1816. Mr. Johnson of Kentucky moved the appointment of a Special Committee to inquire into the expediency of changing the mode of compensating Members of Congress, from a per diem to an annual allowance ; and on March 6th, as its chairman, reported a Bill fixing the amount at $1,500 per session. The debate, which continued until late on March 8th, when it was passed by a vote of 81 to 67, was animated and, in some respects, acrimonious. No question, apparently so trivial, ever produced so general an excitement through the country. The measure was de-

nounced every where,—from the hustings, in the primary assemblies of the people, and even by the Legislatures of many of the States. The storm raged so violently that, early in the ensuing session of Congress, a Bill on the motion of Mr. Johnson was introduced to repeal the obnoxious Act, which, after some opposition, passed January 23d, 1817.]

I HOPE the House will not agree to fill the blanks with six dollars, as reported by the Committee of the Whole. I have remained silent thus long, not that I agree with those who think this a trivial question, but because I was anxious, in ultimately making up my mind, to profit by the observations of others. I have now, however, finally decided on the course I intend to pursue. If the blank should be filled with a sum fully equal to the present pay, I shall vote for the bill on its passage ;—not that, in itself, I prefer the daily to the annual pay ; for on this point, my opinion remains unaltered. I believe the latter, for several reasons not necessary to repeat, to be in itself preferable. The daily, however, has one advantage at present over the other mode ;—it has a better prospect of being permanent. If the pay be left in its present form, it will most certainly be repealed by the next Congress, whatever may be the feelings of a majority of that body, as to the mode or amount. They will not be free agents—most of them being already committed in the canvass for a seat in this House. But should the mode be changed and the amount retained, the very men who have turned out the most of us, who have been the agitators in the late elections will, in all probability, become the pacificators ; for we may be perfectly assured of one fact, that the feelings of those gentlemen are very different now from what they were before the elections. If you change the mode, they will seize the opportunity, and assert that you have now done what ought originally to have been done. Should the blank not be filled with an adequate sum,—say nine or ten dollars a day,—I shall vote against the passage of

the bill, so as to retain the present law. But if it must come to a repeal, I would prefer it to take place after the 4th of March next, so as to leave the subject entirely open for the next Congress. Such is the course which my judgment admonishes me to pursue.

It has more than once been said, that this is not an important subject. If the observation be made in reference to the members who now compose this body, I readily assent. To them it is a trivial subject. They are free agents, and if they find the sacrifice too considerable, they can, at any moment, return to those private pursuits, so much more profitable, and, in many respects, desirable. We then, as individuals, have no right to complain, should the pay be reduced to the smallest amount. But there is another aspect of this subject, of a very different character. The question of adequate, or inadequate compensation to the members of Congress, is, if I am not greatly mistaken, intimately connected with the very essence of our liberty. This House is the foundation of the fabric of that liberty. So happy is its constitution, that, in all instances of a general nature, its duty and its interest are inseparable. If I understand correctly the structure of our Government, the prevailing principle is not so much a balance of power as a well connected chain of responsibility. This responsibility commences here, and this House is the centre of its operation. The members are elected for two years only; and, at the end of that period, are responsible to their constituents for the faithful discharge of their public duties. Besides, the very structure of the House is admirably calculated to unite interest and duty. The members of Congress have, in their individual capacity, no power or prerogative. These attach to the entire body assembled here, and acting under certain set forms. We then, as individuals, are not less amenable to the laws which we enact, than the humblest citizen. Such is the responsibility—such the structure—such the sure foundation of

our liberty. If we turn our attention to what are called the co-ordinate branches of our Government, we find them very differently constructed. The judiciary is in no degree responsible to the people immediately. To Congress—to this body is the whole of their responsibility. Such too, in a great measure, is the theory of our Government, as applied to the executive branch. It is true the President is elected for a term of years; but that term is twice the length of ours; and, besides, his election is, in point of fact, removed in all of the States three degrees from the people. The electors in many of the States, are chosen by the State Legislatures; and where that is not formally the case, it is nevertheless in point of fact effected through the agency of those bodies. But what mainly distinguishes the legislative and executive branches, as regards their actual responsibility to the people, is the nature of their operation. It is the duty of the former to enact laws, of the latter to execute them. Every citizen of ordinary information, is capable, in a greater or less degree, of forming an opinion of the propriety of the law—and, consequently, of judging whether Congress has or has not done its duty; but of the execution of the laws, they are far less competent to judge. How can the community judge, whether the President, in appointing officers to execute the laws, has in all cases been governed by fair and honest motives, or by favor and corruption? How much less competent is it to judge whether the application of the public money has been made with economy and fidelity, or with extravagance and dishonesty! These are facts that can be fully investigated, and brought before the public by Congress, and Congress only. Hence it is that the constitution has made the President responsible to Congress. This, then, is the essence of our liberty: Congress is responsible to the people immediately, and the other branches of the Government are responsible to it. What, then, becomes of the theory of the Government, if the President holds

offices in his gift, which, as regards honor or profit, are more desirable than a seat in this House, the only office immediately in the gift of the people—

[Here Mr. C. checked himself.]

I find myself committing an unpardonable error, in presenting arguments to this body. The ear of this House, on this subject, is closed to truth and reason. What has produced this magic spell? Instructions! Well, then, has it come to this? Have the people of this country snatched the power of deliberation from this body? Have they resolved the Government into its original elements, and resumed their primitive power of legislation? Are we, then, a body of individual agents, and not a deliberative one, without the power, but possessing the form of legislation? If such be the fact, let gentlemen produce their instructions, properly authenticated. Let them name the time and place at which the people assembled and deliberated on this question. Oh, no! they have no written, no verbal instructions; but they have implied instructions. The law is unpopular, and they are bound to repeal it, in opposition to their consciences and reason. Have gentlemen reflected on the consequences of this doctrine? Are we bound in all cases to do what is popular? If this be true, how are political errors, once prevalent, ever to be corrected? Suppose a party to spring up in this country, whose real views should be the destruction of liberty; suppose that, by management, by the patronage of offices, by the corruption of the press, they should delude the people, and obtain a majority (and surely such a state of things is not impossible); what, then, will be the effect of this doctrine? Ought we to sit quiet? Ought we to be dumb? or, rather, ought we to approve, though we see that liberty is to be ingulfed? This doctrine of implied instruction, if I am not mistaken, is a new one, for the first time broached in this House; and, if I am not

greatly deceived, not more new than dangerous. It is very different in its character and effects from the old doctrine, that the constituents have a right to assemble and formally to instruct the representative; and though I would not hold myself bound to obey any such instructions, yet I conceive that the doctrine is not of a very dangerous character, as the good sense of the people has as yet prevented them from exercising such a right, and will, in all probability, in future prevent them. But this novel doctrine is of a far different character. Such instructions may exist any day, and on any subject. It may be always at hand to justify any aberration from political duty. I ask its advocates, in what do they differ in their actions from the mere trimmer—the political weathercock? It is true, the one may have in view his own advancement, in consulting his popularity; and the other may be governed by a mistaken but conscientious regard to duty; yet, how is the country benefited by this difference, since they equally abandon the plain road of truth and reason, to worship at the shrine of this political idol? It was said by a member from Massachusetts (Mr. Conner), that this right of instruction is only denied in monarchies; and in proof of it, he cited the opinion of Mr. Burke, (whom he called a pensioner,) expressed at the Bristol election. So far is he from being correct, that in none of the free governments of antiquity can he point out the least trace of his doctrine. It originated in the modern governments of Europe, particularly in that of Great Britain. The English parliament had, at its origin, no other power or duty but to grant money to the crown; and as the members of that body were frequently urgently pressed to enlarge their money-grants, it was a very convenient excuse, to avoid the squeeze, to say that they were not instructed. The gentleman was incorrect in calling Burke a pensioner, at the time he delivered the celebrated speech at the Bristol polls. Burke, at that time, whatever may have been his subsequent

character, was a prominent champion in the cause of liberty and of this country ; and if the gentleman will recur to the points in which he refused to obey the instructions of his constituents, it will not greatly increase his affection for such doctrines. That mind must be greatly different from mine, which can read that speech, and not embrace its doctrines.

I, too, am an advocate for instruction. I am instructed. The constitution is my letter of instruction. Written by the hand of the people—stamped with their authority—it admits of no doubt as to its obligations. Your very acts in opposition to its authority, are null. This is the solemn voice of the people, to which I bow in perfect submission. It is here the *vox populi* is the *vox Dei.* This is the all-powerful creative voice which spake our Government into existence, and made us politically as we are. This body is the first orb in the political creation, and stands next in authority to the original creative voice of the people ; and any attempt to give a different direction to its movement, from what the constitution and the deliberate consideration of its members point out, I consider as an innovation on the principles of our Government. This is necessary, to make the people really happy ; and any one invested with public authority, ought to be as sensibly alive to the people's happiness; as some gentlemen wish the House to be to mere popularity. I know that such is the structure of our Government, that the permanent feeling of the community will impress itself on this House. I rejoice that such is the fact, as there would be no security for liberty, were it otherwise. The sense of the people, operating fairly and constitutionally through elections, will be felt on this very subject, at the very next session ; but surely the question by whom the repeal is to be effected, is one of no slight importance. It can, by our successors, if they think proper, be at least consistently done ; by us, it cannot. Should we reduce the

compensation to the old rates, when it is well known that the sense of a great majority of this House is wholly averse to it, besides the great loss of individual character which we must sustain, it is calculated to bring into suspicion the political characters of all, to the great injury of the public. You may rely on it, the public wish and expect us to act on the convictions of our mind and will, and will not tolerate the idea, that either on this or any other important occasion you are acting a part, and that you studiously shape your conduct to catch the applause of the audience.

I hope I shall not be misunderstood: that, while I combat the idea that we are bound to do such acts as will render us popular (for such I understand to be the doctrine), we are to overlook the character of those for whom we are to make laws. This is most studiously to be regarded. The laws ought, in all cases, to fit the permanent and settled character of the community. The state of public feeling, then, is a fact to be reasoned upon, and to receive that weight on any particular question to which it may fairly be entitled. But, for my part, I prefer that erectness of mind which, in all cases, is disposed to embrace what is, in itself, just and wise. Such a character of mind I think more useful, under our form of government, than any other, and more certain of the applause of after ages. If I be not mistaken, it constitutes the very essence of the admired characters of antiquity, such as Cato, Phocion, and Aristides; and if we could conceive them divested of this trait, they would cease to be the objects of our admiration.

Taking it for granted that I have succeeded in proving that this House is at liberty to decide on this question according to the dictates of its best judgment, I now resume the argument where I dropped it. I have proved that this House is the foundation of our liberty; that it is responsible to the people for the faithful discharge of its duties, and that every other branch of Government is responsible to it, as

the immediate representative of the people; and, that it is essential to the fair operation of the principles of our constitution, that this body be not in any degree under the influence of the other branches of the Government. How then stands the fact? I beg that no one will attribute to me factious views. I shall speak with relation to no particular measure or men. I wish simply to illustrate general principles; to speak to the constitution and the laws. How then, I repeat, is the fact? Are there not in the power of the President a multitude of offices more profitable, and many both more profitable and honorable, in public estimation, than a seat in this House—the only office in the General Government in the gift of the people? Have we not seen, in many instances, men attracted out of this house to fill subordinate Executive offices, whose only temptation was pay;—and what is far more dangerous, and in every respect much more to be dreaded, do we not see the very best talents of the House, men of the most aspiring character, anxious to fill the departments or foreign missions? Let me not be understood to throw blame on them. The fault is not so much in them as in the system. Congress, then, is only the first step in the flight of honorable distinction;—so high the people can raise the aspirant;—to go beyond, to rise to the highest, the Executive must take him by the hand. On what side, then, must his inclination be? on the side of his constituents, who can do no more than keep him where he is? or on that of the Executive power, on whom his future hopes must depend? Setting corruption aside, which I believe has made no inroad on us, take human nature as it is, can you expect in ordinary virtue, that vigilant and bold oversight over the Executive power which the constitution supposes, and which is necessary to coerce a power possessed of so much patronage? I am aware the evil is difficult to be cured. It is the opinion of some, that no member of either House ought to be capable of appointment to any office

for the term for which the President is elected. It is worthy of reflection. For my part, but one objection occurs to me, which I cannot surmount: I fear that so long as the Executive offices which I have mentioned, continue to be more desirable than a seat in this House, such a regulation would tend still further to depress the legislature. The best materials for politics would systematically avoid Congress, and approach Executive favor through some other avenue. Whether this or some other plan be adopted in part, I am confident it is necessary to make a seat in Congress more desirable than it is even at the present pay. What sum was sufficient for that purpose I stated last year in debate, and I have only to regret, that the country did not see the same necessity with me on this point. Gentlemen say we ought to come here for pure patriotism and honor. It sounds well; but, if the system be adopted to its full extent, there will be found neither patriotism nor honor sufficient for continual privations. We must regard human nature as it is, and particularly that portion for which we legislate. Our countrymen, with many admirable qualities, are, in my opinion, greatly distinguished by the love of acquisition—I will not call it avarice — and the love of honorable distinction. I object to neither of these traits. They both grow necessarily out of the character of our country and institutions. Our population advances beyond that of all other countries; marriages in all conditions of life take place at an early period. Hence the duty imposed on almost every one to make provision for a growing family; hence our love of gain, which in most instances, is founded on the purest virtues. The love of distinction is not less deeply fixed. In a country where qualities are so mixed, reliance ought not to be had wholly on honor or on profit. They ought to be blended in due proportion. The truth is, that no office requiring long-continued privations will be honored, unless duly rewarded; for, if not, it ceases to be an object of pursuit. If these

views be correct, the effect of an adequate reward is not only to attract talent to the place where it is most needed—the legislature—but to make it more stationary there, and, what is more essential, to place it more beyond Executive control, and thus to realize the full effects of the theory of your Government. The additional expense would not be felt; and I know of no other objection, which has the least plausibility, except, that we cannot plead the example of any other country; and that it is calculated to produce too much competition for a seat in Congress. I acknowledge the want of example in other countries, and I think it worth serious investigation, what effect it has had on the permanency of their liberties. But why should we look for examples either to the State legislatures or to other countries? In what other instance have the duties of legislation involved so great a sacrifice of time and domestic pursuits? Compare our services here with those of a judge, or of Executive officers, and they will be found not less burdensome. Nor do I fear that the competition for a seat in Congress will be too animated. I believe that a sharply contested election, if corruption does not enter, is of public advantage. It brings the proceedings of this body more fully before the people, and makes them much better acquainted with their interest. It even makes a seat here more honorable in public estimation. Nor am I afraid that competition will produce corruption. Fifteen hundred or two thousand dollars a year will not be sufficient for this purpose. An election to Congress is, in this respect, more safe than that to a State legislature, as it requires so many more to elect to the former than to the latter. This security grows with the increasing growth of the country; as the number of constituents increase relatively to the representatives. There are other and important considerations connected with a just compensation to the members of this body; but, as they have been fairly presented by the report of the committee, I will not fully

discuss them. By inadequate pay, you close the door of public honor on some of the most deserving citizens. Talent in this country is principally from the middling and lower classes. These, in fact, constitute the great body of the community. A young man of talents spends his property and time in acquiring sufficient information to pursue a profession; he proves worthy of public confidence; ought he not to receive indemnity for the application of his time and talents to the service of his country? It would be economy with a vengeance, to exclude all such from the halls of legislation, or to make them mere political adventurers, who would enter here only for further promotion. The extent of our country points out another and powerful reason why the pay should be respectable. No one is fit for legislation who does not constantly bear in mind that our republic is distinguished from all others that have ever existed, by the extent of its territory. While we derive from this distinction many advantages, we are liable to great and menacing dangers. While we behold our growth with pride, it must, at the same time, impress us with awe. It is our duty to overcome space by every means in our power. We ought to attract suitable talents from the most distant part of our republic by a full and generous allowance. Distance itself constitutes a great objection with many to perform the duties of this body. Should the men who, by nature and study, are endowed with requisite qualities for public service, be forced by a miserable parsimony either to direct their talents to private pursuits, or to the affairs of the respective States, and men of inferior capacity be sent to this body, who can measure the public misfortune? What will tend more powerfully to dissever this Union? Some have taken up the idea, as extraordinary as it may seem, that the increased pay to the members is, in its nature, aristocratical. What! is it aristocratical to compensate the public servant for his services to the public? Can it be considered as

favoring the power of a few, to extend the power and influence of the people in the affairs of the General Government? It enables them to select the best talents for their own immediate service; it raises them in the scale of influence, by causing the most shining and aspiring talents to be dependent on them for promotion and honor; it makes their service more desirable than that of the Executive employments; and, by a simple process, enables them, through their immediate agents, this House, to hold a controlling power over any department of the Government. Such is the aristocratical tendency of this reprobated measure. I might extend my observations much further on this most important subject; but so much has been well said by others, that I will abstain. I must, however, present to the House a reason, which, I believe, has not as yet been touched on: I mean the happy effect which an adequate compensation would have on the tone of parties in our country. Make a seat in Congress what it ought to be—the first post in the community next to the Presidency, and men of the greatest distinction in every part of the country will seek it. The post, then, of honor and distinction being in the people, and not in the President, will be open to all parties, in proportion to their ascendency in the Union. That entire monopoly of honor and public profit by the majority will not be experienced, which must be felt, when the honors of the country are principally in the hands of the Chief Magistrate. Those who best understand our nature, can the most fully appreciate the consequences. Although it may not abate the heat of party, it will greatly affect its feelings towards our happy political institutions.

SPEECH

On the Bill to set aside the Bank dividends and bonus as a permanent fund for the construction of Roads and Canals, delivered in the House of Representatives, February 4th, 1817.

[Note.—This Bill, pledging the bonus and dividends of United States stock on the shares held by the Government in the National Bank, was reported by the special committee, to whom the subject had been referred, on December 23d, 1816; and on the 4th of February following, discussed at some length in Committee of the Whole, when it was amended in several particulars. On the 7th of February, the debate was renewed in the House, on the motion of Mr. King to postpone it indefinitely, and continued, with much animation, until late the next day, when it passed by a vote of 86 to 84.]

Mr. Chairman:—It seems to be the fate of some measures to be praised, but not adopted. Such, I fear, will be the fate of this on which we are now deliberating. From the indisposition manifested by the House to go into committee on the bill, there is not much prospect of its success; yet it seems to me, when I reflect how favorable is the present moment, and how confessedly important a good system of roads and canals is to our country, I may be reasonably very sanguine of success. At peace with all the world; abounding in pecuniary means; and, what is of the most importance, and at which I rejoice, as most favorable to the country, party and sectional feelings, merged in a liberal and enlightened regard to the general concerns of the country. Such are the favorable circumstances under which we are now deliberating. Thus situated, to what can we direct our resources and attention more important than internal improvements? What can add more to the wealth, the strength,

and the political prosperity of our country? The manner in which facility and cheapness of intercourse contribute to the wealth of a nation, has been so often and ably discussed by writers on political economy, that I presume the House to be perfectly acquainted with the subject. It is sufficient to observe, that every branch of national industry—agricultural, manufacturing, and commercial—is greatly stimulated by it, and rendered more productive. The result is, that it tends to diffuse universal opulence. It gives to the interior the advantages possessed by the parts most eligibly situated for trade. It makes the country price, whether in the sale of the raw product, or in the purchase of articles for consumption, approximate to that of the commercial towns. In fact, if we look into the nature of wealth, we will find that nothing can be more favorable to its growth than good roads and canals. An article, to command a price, must not only be useful, but must be the subject of demand; and the better the means of commercial intercourse, the larger is the sphere of demand. The truth of these positions is obvious, and has been tested by all countries where the experiment has been made. It has, particularly, been strikingly exemplified in England; and if the result there, in a country so limited, and so similar in its products, has been to produce a most uncommon state of opulence, what may we not expect from the same cause in our country, abounding, as it does, in the greatest variety of products, and presenting the greatest facility for improvement? Let it not be said that internal improvements may be wholly left to the enterprise of the States and of individuals. I know that much may justly be expected to be done by them; but, in a country so new and so extensive as ours, there is room enough for all the General and State Governments, and individuals, in which to exert their resources. But many of the improvements contemplated are on too great a scale for the resources of the States or individuals; and many of such a nature as the rival

jealousy of the States, if left alone, would prevent. They require the resources and the general superintendence of this Government to effect and complete them.

But there are higher and more powerful considerations why Congress ought to take charge of this subject. If we were only to consider the pecuniary advantages of a good system of roads and canals, it might, indeed, admit of some doubt whether they ought not to be left wholly to individual exertions; but, when we come to consider how intimately the strength and political prosperity of the republic are connected with this subject, we find the most urgent reasons why we should apply our resources to them. In many respects, no country, of equal population and wealth, possesses equal materials of power with ours. The people, in muscular power, in hardy and enterprising habits, and in lofty and gallant courage, are surpassed by none. In one respect, and, in my opinion, in one only, are we materially weak. We occupy a surface prodigiously great in proportion to our numbers. The common strength is brought to bear with great difficulty on the point that may be menaced by an enemy. It is our duty, then, as far as in the nature of things it can be effected, to counteract this weakness. Good roads and canals, judiciously laid out, are the proper remedy. In the recent war, how much did we suffer for the want of them! Besides the tardiness and the consequential inefficacy of our military movements, to what an increased expense was the country put for the article of transportation alone! In the event of another war, the saving, in this particular, would go far towards indemnifying us for the expense of constructing the means of transportation.

It is not, however, in this respect only, that roads and canals add to the strength of the country. Our power of raising revenue, in war particularly, depends mainly on them. In peace, our revenue depends principally on the imports: in war, this source, in a great measure, fails, and internal

taxes, to a great amount, become necessary. Unless the means of commercial intercourse are rendered much more perfect than they now are, we shall never be able, in war, to raise the necessary supplies. If taxes were collected in kind ; if, for instance, the farmer and mechanic paid in their surplus produce, then the difficulty would not exist : as, in no country on earth is there so great a surplus, in proportion to its population, as in ours. But such a system of taxes is impossible. They must be paid in money ; and, by the constitution, must be laid uniformly. What, then, is the effect ? The taxes are raised in every part of this extensive country uniformly ; but the expenditure must, in its nature, be principally confined to the scene of military operations. This drains the circulating medium from one part, and accumulates it in another, and, perhaps, a very distant one. The result is obvious. Unless it can return through the operation of trade, the part from which the constant drain takes place, must ultimately be impoverished. Commercial intercourse is the true remedy for this weakness : and the means by which this is to be effected, are roads, canals, and the coasting trade. On these, combined with domestic manufactures, does the moneyed capacity of this country, in war, depend. Without them, not only will we be unable to raise the necessary supplies, but the currency of the country must necessarily fall into the greatest disorder ; such as we lately experienced.

But, on this subject of national power, what can be more important than a perfect unity in every part, in feelings and sentiments ? And what can tend more powerfully to produce it than overcoming the effects of distance ? No state, enjoying freedom, ever occupied any thing like as great an extent of country as this republic. One hundred years ago, the most profound philosophers did not believe it to be even possible. They did not suppose it possible that a pure republic could exist on as great a scale even as the island of

Great Britain? What then was considered as chimerical, we now have the felicity to enjoy; and, what is more remarkable, such is the happy mould of our Government—so wisely are the State and General powers arranged—that much of our political happiness derives its origin from the extent of our republic. It has exempted us from most of the causes which distracted the small republics of antiquity. Let it not, however, be forgotten; let it be for ever kept in mind, that it exposes us to the greatest of all calamities—next to the loss of liberty—and even to that in its consequence—disunion. We are great, and rapidly—I was about to say fearfully—growing. This is our pride and our danger; our weakness and our strength. Little does he deserve to be intrusted with the liberties of this people, who does not raise his mind to these truths. We are under the most imperious obligation to counteract every tendency to disunion. The strongest of all cements is, undoubtedly, the wisdom, justice, and above all, the moderation of this House; yet the great subject on which we are now deliberating, in this respect deserves the most serious consideration. Whatever impedes the intercourse of the extremes with this, the centre of the republic, weakens the union. The more enlarged the sphere of commercial circulation—the more extended that of social intercourse—the more strongly are we bound together—the more inseparable are our destinies. Those who understand the human heart best know how powerfully distance tends to break the sympathies of our nature. Nothing—not even dissimilarity of language—tends more to estrange man from man. Let us, then, bind the republic together with a perfect system of roads and canals. Let us conquer space. It is thus the most distant parts of the republic will be brought within a few days' travel of the centre; it is thus that a citizen of the West will read the news of Boston still moist from the press. The mail and the press are the nerves of the body politic. By them, the

slightest impression made on the most remote parts, is communicated to the whole system; and the more perfect the means of transportation, the more rapid and true the vibration. To aid us in this great work—to maintain the integrity of this republic, we inhabit a country presenting the most admirable advantages. Belted around, as it is, by lakes and oceans—intersected in every direction by bays and rivers, the hand of industry and art is tempted to improvement. So situated, blessed with a form of government at once combining liberty and strength, we may reasonably raise our eyes to a most splendid future, if we only act in a manner worthy of our advantages. If, however, neglecting them, we permit a low, sordid, selfish and sectional spirit to take possession of this House, this happy scene will vanish. We will divide;—and in its consequences will follow, misery and despotism.

To legislate for our country, requires not only the most enlarged views, but a species of self-devotion not exacted in any other. In a country so extensive, and so various in its interests, what is necessary for the common good may apparently be opposed to the interest of particular sections. It must be submitted to as the condition of our greatness. But were we a small republic; were we confined to the ten miles square, the selfish instincts of our nature might, in most cases, be relied on in the management of public affairs.

Such, then, being the obvious advantages of internal improvements, why should the House hesitate to commence the system? I understand there are, with some members, constitutional objections. The power of Congress is objected to: first, that there is none to cut a road or canal through a State, without its consent; and next, that the public moneys can only be appropriated to effect the particular powers enumerated in the constitution. The first of these objections, it is plain, does not apply to this bill. No particular road or canal is proposed to be cut through any State. The bill

simply appropriates money to the general purpose of improving the means of intercommunication. When a bill is introduced to apply the money to a particular object in any State, then, and not till then, will the question be fairly before us. I express no opinion on this point. In fact, I scarcely think it worth the discussion, since the good sense of the States may be relied on. They will, in all cases, readily yield their assent. The fear is in a different direction: in too great a solicitude to obtain an undue share to be expended within their respective limits. In fact, as I understand it, this is not the objection insisted on. It is mainly urged, that the Congress can only apply the public money in execution of the enumerated powers. I am no advocate for refined arguments on the constitution. The instrument was not intended as a thesis for the logician to exercise his ingenuity on. It ought to be construed with plain, good sense; and what can be more express than the constitution on this very point? The first power delegated to Congress is comprised in these words: "To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States." First, the power is given to lay taxes; next, the objects are enumerated to which the money accruing from the exercise of this power, may be applied—viz., to pay the debts, provide for the defence, and promote the general welfare; and last, the rule for laying the taxes is prescribed—to wit, that all duties, imposts, and excises, shall be uniform. If the framers had intended to limit the use of the money to the powers afterwards enumerated and defined, nothing could have been more easy than to have expressed it plainly. I know it is the opinion of some, that the words "to pay the debts, and provide for the common defence and general welfare," which I have just cited, were not intended to be referred to the power of laying taxes,

contained in the first part of the section, but that they are to be understood as distinct and independent powers, granted in general terms ; and are qualified by a more detailed enumeration of powers in the subsequent part of the constitution. If such were, in fact, the meaning intended, surely nothing can be conceived more bungling and awkward than the manner in which the framers have communicated their intention. If it were their intention to make a summary of the powers of Congress in general terms, which were afterwards to be particularly defined and enumerated, they should have told us so plainly and distinctly ; and if the words "to pay the debts, and provide for the common defence and general welfare" were intended for this summary, they should have headed the list of our powers, and it should have been stated that, to effect these general objects, the following specific powers were granted. I ask members to read the section with attention ; and it will, I conceive, plainly appear that such could not have been the intention. The whole section seemed to me to be about taxes. It plainly commences and ends with it ; and nothing could be more strained than to suppose the intermediate words "to pay the debts, and provide for the common defence and general welfare," were to be taken as independent and distinct powers. Forced, however, as such a construction was, I might admit it, and urge that the words do constitute a part of the enumerated powers. The constitution gives to Congress the power to establish post-offices and post-roads. I know the interpretation usually given to these words confines our powers to that of designating only the post-roads ; but it seems to me that the word "establish" comprehends something more. But suppose the constitution to be silent, why should we be confined in the application of moneys to the enumerated powers ? There is nothing in the reason of the thing, that I can perceive, why it should be so restricted ; and the habitual and uniform practice of the Government coincides with my opinion.

Our laws are full of instances of money appropriated without any reference to the enumerated powers. We granted, by an unanimous vote, or nearly so, $50,000 to the distressed inhabitants of Caraccas, and a very large sum, at two different times, to the St. Domingo refugees. If we are restricted in the use of our money to the enumerated powers, on what principle can the purchase of Louisiana be justified? To pass over many other instances, the identical power, which is now the subject of discussion, has, in several instances, been exercised. To look no further back—at the last session a considerable sum was granted to complete the Cumberland Road. In reply to this uniform course of legislation, I expect it will be said, that our constitution is founded on positive and written principles, and not on precedents. I do not deny the position; but I have introduced these instances to prove the uniform sense of Congress, and the country (for they have not been objected to), as to our powers; and surely they furnish better evidence of the true interpretation of the constitution than the most refined and subtle arguments.

Let it not be argued, that the construction for which I contend gives a dangerous extent to the powers of Congress. In this point of view, I conceive it to be more safe than the opposite. By giving a reasonable extent to the money power, it exempts us from the necessity of giving a strained and forced construction to the other enumerated powers. For instance, if the public money could be applied to the purchase of Louisiana, as I contend it may be, then there was no constitutional difficulty in that purchase; but if it could not, then are we compelled either to deny that we had the power to purchase, or to strain some of the enumerated powers, to prove our right. It has, for instance, been said, that we had the right to purchase, under the power to admit new States; a construction, I venture to say, far more

forced than the one for which I contend. Such are my views as to our power to pass this bill.

I believe that the passage of the bill would not be much endangered by a doubt of the power; for I conceive, on that point, there are not many who were opposed. The mode is principally objected to. A system, it is contended, ought to be presented before the money is appropriated. I think differently. To set apart the fund, appears to me to be, naturally, the first act; at least I take it to be the only practicable course. A bill filled with details would have but a faint prospect of passing. The enemies to any possible system in detail, and those who are opposed in principle, would unite and defeat it. Though I am unwilling to incorporate details in the bill, yet I am not averse to presenting my views on that point. The first great object is to perfect the communication from Maine to Louisiana. This may be fairly considered as the principal artery of the whole system. The next is the connection of the Lakes with the Hudson River. In a political, commercial, and military point of view, few objects can be more important. The next object of chief importance is, to connect all the great commercial points on the Atlantic,—Philadelphia, Baltimore, Washington, Richmond, Charleston, and Savannah,—with the Western States; and finally, to perfect the intercourse between the West and New Orleans. These seem to me to be the great objects. There are others, no doubt, of great importance, which would receive the aid of Government. The fund proposed to be set apart in this bill is about $650,000 a year, which is, doubtless, too small to effect such great objects of itself; but it will be a good beginning; and I have no doubt, when it is once begun, the great work will be completed. If the bill succeed, at the next session the details may be arranged and the system commenced. I cannot regard those who object merely to the mode, as being very heartily in favor of the system. Every member must know that, in all

great measures, it is necessary to concede something ; as it is impossible to make all think alike on the minutiæ of the measure, who are agreed in principle. A deep conviction of the importance of the thing itself is almost sure to be accompanied with a liberal spirit of concession. The committee who introduced this bill gave it the shape, in their opinion, the most proper in itself, and the most likely to succeed. If it cannot pass in its present form, and under the present circumstances, it is certainly very doubtful whether it ever will. I feel a deep solicitude in relation to it. I am anxious that this Congress shall have the reputation of it ; and I am the more so, on account of the feelings which have been created against it. No body of men, in my opinion, ever better merited, than this Congress, the confidence of the country. For wisdom, firmness, and industry, it has never been excelled. To its acts, I appeal for the truth of my assertions. The country already begins to experience the benefits of its foresight and firmness. The diseased state of the currency, which many thought incurable, and most thought could not be healed in so short a time, begins to exhibit symptoms of speedy health. Uninfluenced by any other considerations than love of country and duty, let us add this to the many useful measures already adopted. The money cannot be appropriated to a more exalted use. Every portion of the community—the farmer, mechanic, and merchant —will feel its good effects ; and, what is of the greatest importance, the strength of the community will be augmented, and its political prosperity rendered more secure.

SPEECH

On the Revenue Collection Bill (commonly called the Force Bill), in reference to the Ordinance of the South Carolina Convention, delivered in the Senate, February 15th and 16th, 1833.

Mr. President :—I know not which is most objectionable, the provisions of the bill, or the temper in which its adoption has been urged. If the extraordinary powers with which the bill proposes to clothe the Executive, to the utter prostration of the constitution and the rights of the States, be calculated to impress our minds with alarm at the rapid progress of despotism in our country ; the zeal with which every circumstance calcuated to misrepresent or exaggerate the conduct of Carolina in the controversy, is seized on with a view to excite hostility against her, but too plainly indicates the deep decay of that brotherly feeling which once existed between these States, and to which we are indebted for our beautiful federal system, and by the continuance of which alone it can be preserved. It is not my intention to advert to all these misrepresentations ; but there are some so well calculated to mislead the mind as to the real character of the controversy, and to hold up the State in a light so odious, that I do not feel myself justified in permitting them to pass unnoticed.

Among them, one of the most prominent is, the false statement that the object of South Carolina is to exempt herself from her share of the public burdens, while she participates in the advantages of the Government. If the charge were true—if the State were capable of being actuated by such low and unworthy motives, mother as I consider her, I would not stand up on this floor to vindicate her conduct.

Among her faults,—and faults I will not deny she has,—no one has ever yet charged her with that low and most sordid of vices—avarice. Her conduct, on all occasions, has been marked with the very opposite quality. From the commencement of the Revolution—from its first breaking out at Boston till this hour, no State has been more profuse of its blood in the cause of the country; nor has any contributed so largely to the common treasury in proportion to wealth and population. She has, in that proportion, contributed more to the exports of the Union,—on the exchange of which with the rest of the world the greater portion of the public burden has been levied,—than any other State. No: the controversy is not such as has been stated; the State does not seek to participate in the advantages of the Government without contributing her full share to the public treasury. Her object is far different. A deep constitutional question lies at the bottom of the controversy. The real question at issue is: Has this Government a right to impose burdens on the capital and industry of one portion of the country, not with a view to revenue, but to benefit another? And I must be permitted to say that, after the long and deep agitation of this controversy, it is with surprise that I perceive so strong a disposition to misrepresent its real character. To correct the impression which those misrepresentations are calculated to make, I will dwell on the point under consideration for a few moments longer.

The Federal Government has, by an express provision of the constitution, the right to lay on imports. The State has never denied or resisted this right, nor even thought of so doing. The Government has, however, not been contented with exercising this power as she had a right to do, but has gone a step beyond it, by laying imposts, not for revenue, but protection. This the State considers as an unconstitutional exercise of power—highly injurious and oppressive to her and the other staple States, and has, accordingly, met it with the

most determined resistance. I do not intend to enter, at this time, into the argument as to the unconstitutionality of the protective system. It is not necessary. It is sufficient that the power is nowhere granted; and that, from the journals of the Convention which formed the constitution, it would seem that it was refused. In support of the journals, I might cite the statement of Luther Martin, which has already been referred to, to show that the Convention, so far from conferring the power on the Federal Government, left to the State the right to impose duties on imports, with the express view of enabling the several States to protect their own manufactures. Notwithstanding this, Congress has assumed, without any warrant from the constitution, the right of exercising this most important power; and has so exercised it as to impose a ruinous burden on the labor and capital of the State, by which her resources are exhausted—the enjoyments of her citizens curtailed—the means of education contracted—and all her interests essentially and injuriously affected. We have been sneeringly told that she is a small State; that her population does not much exceed half a million of souls; and that more than one-half are not of the European race. The facts are so. I know she never can be a great State, and that the only distinction to which she can aspire must be based on the moral and intellectual acquirements of her sons. To the development of these much of her attention has been directed; but this restrictive system, which has so unjustly exacted the proceeds of her labor, to be bestowed on other sections, has so impaired her resources, that, if not speedily arrested, it will dry up the means of education, and with it, deprive her of the only source through which she can aspire to distinction.

There is another misstatement, as to the nature of the controversy, so frequently made in debate, and so well calculated to mislead, that I feel bound to notice it. It has been said that South Carolina claims the right to annul the con-

stitution and laws of the United States; and to rebut this supposed claim, the gentleman from Virginia (Mr. Rives) has gravely quoted the constitution, to prove that the constitution, and the laws made in pursuance thereof, are the supreme laws of the land—as if the State claimed the right to act contrary to this provision of the constitution. Nothing can be more erroneous: her object is not to resist laws made in pursuance of the constitution, but those made without its authority, and which encroached on her reserved powers. She claims not even the right of judging of the delegated powers, but of those that are reserved; and to resist the former, when they encroach upon the latter. I will pause to illustrate this important point.

All must admit that there are delegated and reserved powers, and that the powers reserved are reserved to the States respectively. The powers, then, of the system are divided between the General and the State Governments; and the point immediately under consideration is, whether a State has any right to judge as to the extent of its reserved powers, and to defend them against the encroachments of the General Government. Without going deeply into this point at this stage of the argument, or looking into the nature and origin of the Government, there is a simple view of the subject which I consider as conclusive. The very idea of a divided power implies the right on the part of the State for which I contend. The expression is metaphorical when applied to power. Every one readily understands that the division of matter consists in the separation of the parts. But in this sense it is not applicable to power. What, then, is meant by a division of power? I cannot conceive of a division, without giving an equal right to each to judge of the extent of the power allotted to each. Such right I hold to be essential to the existence of a division; and that, to give to either party the conclusive right of judging, not only of the share allotted to it, but of that allotted to the other,

is to annul the division, and to confer the whole power on the party vested with such right.

But it is contended that the constitution has conferred on the Supreme Court the right of judging between the States and the General Government. Those who make this objection, overlook, I conceive, an important provision of the constitution. By turning to the 10th amended article, it will be seen that the reservation of power to the States is not only against the powers, delegated to Congress, but against the United States themselves; and extends, of course, as well to the judiciary as to the other departments of the Government. The article provides, that all powers not delegated to the United States, or prohibited by it to the States, are reserved to the States respectively, or to the people. This presents the inquiry, What powers are delegated to the United States? They may be classed under four divisions: first, those that are delegated by the States to each other, by virtue of which the constitution may be altered or amended by three-fourths of the States, when, without which, it would have required the unanimous vote of all; next, the powers conferred on Congress; then those on the President; and finally, those on the judicial department—all of which are particularly enumerated in the parts of the constitution which organize the respective departments. The reservation of powers to the States is, as I have said, against the whole; and is as full against the judicial as it is against the executive and legislative departments of. the Government. It cannot be claimed for the one without claiming it for the whole, and without, in fact, annulling this important provision of the constitution.

Against this, as it appears to me, conclusive view of the subject, it has been urged that this power is expressly conferred on the Supreme Court by that portion of the constitution which provides that the judicial power shall extend to all cases in law and equity arising under the constitution, the

laws of the United States, and treaties made under their authority. I believe the assertion to be utterly destitute of any foundation. It obviously is the intention of the constitution simply to make the judicial power commensurate with the law-making and treaty-making powers; and to vest it with the right of applying the constitution, the laws, and the treaties, to the cases which might arise under them; and not to make it the judge of the constitution, the laws, and the treaties themselves. In fact, the power of applying the laws to the facts of the case, and deciding upon such application, constitutes, in truth, the judicial power. The distinction between such power, and that of judging of the laws, will be perfectly apparent when we advert to what is the acknowledged power of the court in reference to treaties or compacts between sovereigns. It is perfectly established, that the courts have no right to judge of the violation of treaties; and that, in reference to them, their power is limited to the right of judging simply of the violation of rights under them; and that the right of judging of infractions belongs exclusively to the parties themselves, and not to the courts: of which we have an example in the French treaty, which was declared by Congress null and void, in consequence of its violation by the Government of France. Without such declaration, had a French citizen sued a citizen of this country under the treaty, the court could have taken no cognizance of its infraction; nor, after such a declaration, would it have heard any argument or proof going to show that the treaty had not been violated.

The declaration, of itself, is conclusive on the court. But it will be asked how the court obtained the power to pronounce a law or treaty unconstitutional, when it comes in conflict with that instrument. I do not deny that it possesses the right; but I can by no means concede that it was derived from the constitution. It had its origin in the necessity of the case. Where there are two or more rules es-

tablished, one from a higher, the other from a lower authority, which may come into conflict in applying them to a particular case, the judge cannot avoid pronouncing in favor of the superior against the inferior. It is from this necessity, and this alone, that the power which is now set up to overrule the rights of the States against an express provision of the constitution was derived. It had no other origin. That I have traced it to its true source, will be manifest from the fact that it is a power which, so far from being conferred exclusively on the Supreme Court, as is insisted, belongs to every court—inferior and superior—State and General—and even to foreign courts.

But the senator from Delaware (Mr. Clayton) relies on the journals of the Convention to prove that it was the intention of that body to confer on the Supreme Court the right of deciding, in the last resort, between a State and the General Government. I will not follow him through the journals, as I do not deem that to be necessary to refute his argument. It is sufficient for this purpose to state, that Mr. Rutledge reported a resolution, providing expressly that the United States and the States might be parties before the Supreme Court. If this proposition had been adopted, I would ask the senator whether this very controversy between the United States and South Carolina might not have been brought before the court? I would also ask him whether it can be brought before the court as the constitution now stands? If he answers the former in the affirmative, and the latter in the negative, as he must, then it is clear, his elaborate argument to the contrary notwithstanding, that the report of Mr. Rutledge was not, in substance, adopted as he contended; and that the journals, so far from supporting, are in direct opposition to the position which he attempts to maintain. I might push the argument much farther against the power of the court, but I do not deem it necessary, at least in this stage of the discussion. If the views which

have already been presented be correct, and I do not see how they can be resisted, the conclusion is inevitable, that the reserved powers were reserved equally against every department of the Government, and as strongly against the judicial as against the other departments, and, of course, were left under the exclusive will of the States.

There still remains another misrepresentation of the conduct of the State, which has been made with the view of exciting odium. I allude to the charge, that South Carolina supported the tariff of 1816, and is, therefore, responsible for the protective system. To determine the truth of this charge, it becomes necessary to ascertain the real character of that law—whether it was a tariff for revenue or for protection—and, as involved in this, to inquire, What was the condition of the country at the period? The late war with Great Britain had just terminated, which, with the restrictive system that preceded it, had diverted a large amount of capital and industry from commerce to manufacturers, particularly to the cotton and woollen branches. There was a debt, at the same time, of one hundred and thirty millions of dollars hanging over the country, and the heavy war duties were still in existence. Under these circumstances, the question was presented, as to what point the duties ought to be reduced? This question involved another—at what time the debt ought to be paid? which was a question of policy, involving in its consideration all the circumstances connected with the then condition of the country. Among the most prominent arguments in favor of an early discharge of the debt was, that the high duties which it would require to effect it would have, at the same time, the effect of sustaining the infant manufactures, which had been forced up under the circumstances to which I have adverted. This view of the subject had a decided influence in determining in favor of an early payment of the debt. The sinking fund was, accordingly, raised from seven to ten millions of dollars, with the

provision to apply the surplus which might remain in the treasury as a contingent appropriation to that fund; and the duties were graduated to meet this increased expenditure. It was thus that the policy and justice of protecting the large amount of capital and industry which had been diverted by the measures of the Government into new channels, as I have stated, was combined with the fiscal action of the Government, and which, while it secured a prompt payment of the debt, prevented the immense losses to the manufacturers which would have followed a sudden and great reduction. Still, revenue was the main object, and protection but the incidental. The bill to reduce the duties was reported by the Committee of Ways and Means, and not of Manufactures, and it proposed a heavy reduction on the then existing rate of duties. But what of itself, without other evidence, is decisive as to the character of the bill, is the fact that it fixed a much higher rate of duties on the unprotected than on the protected articles. I will enumerate a few leading articles only. Woollen and cotton above the value of 25 cents on the square yard, though they were the leading objects of protection, were subject to a permanent duty of only 20 per cent. Iron, another leading article among the protected, had a protection of not more than 9 per cent. as fixed by the act, and of but fifteen as reported in the bill. These rates were all below the average duties as fixed in the act, including the protected, the unprotected, and even the free articles. I have entered into some calculation, in order to ascertain the average rate of duties under the act. There is some uncertainty in the data, but I feel assured that it is not less than thirty per cent. *ad valorem:* showing an excess of the average duties above that imposed on the protected articles enumerated of more than 10 per cent., and thus clearly establishing the character of the measure—that it was for revenue, and not protection.

Looking back, even at this distant period, with all our

experience, I perceive but two errors in the act: the one in reference to iron, and the other the minimum duty on coarse cottons. As to the former, I conceive that the bill, as reported, proposed a duty relatively too low, which was still farther reduced in its passage through Congress. The duty, at first, was fixed at seventy-five cents the hundredweight; but, in the last stage of its passage, it was reduced, by a sort of caprice, occasioned by an unfortunate motion, to forty-five cents. This injustice was severely felt in Pennsylvania, the State, above all others, most productive of iron; and was the principal cause of that great reaction which has since thrown her so decidedly on the side of the protective policy. The other error was that as to coarse cottons, on which the duty was as much too high as that on iron was too low. It introduced, besides, the obnoxious minimum principle, which has since been so mischievously extended; and to that extent, I am constrained in candor to acknowledge, as I wish to disguise nothing, the protective principle was recognized by the act of 1816. How this was overlooked at the time, it is not in my power to say. It escaped my observation, which I can account for only on the ground that the principle was then new, and that my attention was engaged by another important subject—the question of the currency, then so urgent, and with which, as chairmam of the committee, I was particularly charged. With these exceptions, I again repeat, I see nothing in the bill to condemn; yet it is on the ground that the members from the State voted for the bill, that the attempt is now made to hold up Carolina as responsible for the whole system of protection which has since followed, though she has resisted its progress in every stage. Was there ever greater injustice? And how is it to be accounted for, but as forming a part of that systematic misrepresentation and calumny which has been directed for so many years, without interruption, against that gallant and generous State? And why has she thus been assailed? Merely be-

cause she abstained from taking any part in the Presidential canvass—believing that it had degenerated into a mere system of imposition on the people—controlled, almost exclusively, by those whose object it is to obtain the patronage of the Government, and that without regard to principle or policy. Standing apart from what she considered a contest in which the public had no interest, she has been assailed by both parties with a fury altogether unparalleled ; but which, pursuing the course which she believed liberty and duty required, she has met with a firmness equal to the fierceness of the assault. In the midst of this attack, I have not escaped. With a view of inflicting a wound on the State through me, I have been held up as the author of the protective system, and one of its most strenuous advocates. It is with pain that I allude to myself on so deep and grave a subject as that now under discussion, and which, I sincerely believe, involves the liberty of the country. I now regret that, under the sense of injustice which the remarks of a senator from Pennsylvania (Mr. Wilkins) excited for the moment, I hastily gave my pledge to defend myself against the charge which has been made in reference to my course in 1816 : not that there will be any difficulty in repelling the charge, but because I feel a deep reluctance in turning the discussion, in any degree, from a subject of so much magnitude to one of so little importance as the consistency or inconsistency of myself, or any other individual, particularly in connection with an event so long since passed. But for this hasty pledge, I would have remained silent as to my own course on this occasion, and would have borne with patience and calmness this, with the many other misrepresentations with which I have been so incessantly assailed for so many years.

The charge that I was the author of the protective system has no other foundation but that I, in common with the almost entire South, gave my support to the tariff of 1816. It is true that I advocated that measure, for which I may

rest my defence, without taking any other, on the ground that it was a tariff for revenue, and not for protection, which I have established beyond the power of controversy. But my speech on the occasion has been brought in judgment against me by the senator from Pennsylvania. I have since cast my eyes over the speech ; and I will surprise, I have no doubt, the senator, by telling him that, with the exception of some hasty and unguarded expressions, I retract nothing I uttered on that occasion. I only ask that I may be judged, in reference to it, in that spirit of fairness and justice which is due to the occasion : taking into consideration the circumstances under which it was delivered, and bearing in mind that the subject was a tariff for revenue, and not for protection ; for reducing, and not raising the duties. But, before I explain the then condition of the country, from which my main arguments in favor of the measure were drawn, it is nothing but an act of justice to myself that I should state a fact in connection with my speech, that is necessary to explain what I have called hasty and unguarded expressions. My speech was an *impromptu ;* and, as such, I apologized to the House, as appears from the speech as printed, for offering my sentiments on the question without having duly reflected on the subject. It was delivered at the request of a friend, when I had not previously the least intention of addressing the House. I allude to Samuel D. Ingham, then and now, as I am proud to say, a personal and political friend—a man of talents and integrity—with a clear head, and firm and patriotic heart ; then among the leading members of the House ; in the palmy state of his political glory, though now for a moment depressed ;—depressed, did I say ? no ! it is his State which is depressed—Pennsylvania, and not Samuel D. Ingham ! Pennsylvania, which has deserted him under circumstances which, instead of depressing, ought to have elevated him in her estimation. He came to me, when sitting at my desk writing, and said that the House was falling

into some confusion, accompanying it with a remark, that I knew how difficult it was to rally so large a body when once broken on a tax bill, as had been experienced during the late war. Having a higher opinion of my influence than it deserved, he requested me to say something to prevent the confusion. I replied that I was at a loss what to say ; that I had been busily engaged on the currency, which was then in great confusion, and which, as I have stated, had been placed particularly under my charge, as the chairman of the committee on that subject. He repeated his request, and the speech which the senator from Pennsylvania has complimented so highly was the result.

I will ask whether the facts stated ought not, in justice, to be borne in mind by those who would hold me accountable, not only for the general scope of the speech, but for every word and sentence which it contains ? But, in asking this question, it is not my intention to repudiate the speech. All I ask is, that I may be judged by the rules which, in justice, belong to the case. Let it be recollected that the bill was a revenue bill, and, of course, that it was constitutional. I need not remind the Senate that, when the measure is constitutional, all arguments calculated to show its beneficial operation may be legitimately pressed into service, without taking into consideration whether the subject to which the arguments refer be within the sphere of the constitution or not. If, for instance, a question were before this body to lay a duty on Bibles, and a motion were made to reduce the duty, or admit Bibles duty free, who could doubt that the argument in favor of the motion—that the increased circulation of the Bible would be in favor of the morality and religion of the country, would be strictly proper ? But who would suppose that he who adduced it had committed himself on the constitutionality of taking the religion or morals of the country under the charge of the Federal Government ? Again : suppose the question to be, to raise the

duty on silk, or any other article of luxury; and that it should be supported on the ground that it was an article mainly consumed by the rich and extravagant—could it be fairly inferred that in the opinion of the speaker, Congress had a right to pass sumptuary laws? I only ask that these plain rules may be applied to my argument on the tariff of 1816. They turn almost entirely on the benefits which manufactures conferred on the country in time of war, and which no one could doubt. The country had recently passed through such a state. The world was at that time deeply agitated by the effects of the great conflict which had so long raged in Europe, and which no one could tell how soon again might return. Bonaparte had but recently been overthrown; the whole southern part of this continent was in a state of revolution, and threatened with the interference of the Holy Alliance, which, had it occurred, must almost necessarily have involved this country in a most dangerous conflict. It was under these circumstances that I delivered the speech, in which I urged the House that, in the adjustment of the tariff, reference ought to be had to a state of war as well as peace, and that its provisions ought to be fixed on the compound views of the two periods—making some sacrifice in peace, in order that less might be made in war. Was this principle false? and, in urging it, did I commit myself to that system of oppression since grown up, and which has for its object the enriching of one portion of the country at the expense of the other?

The plain rule in all such cases is, that when a measure is proposed, the first thing is to ascertain its constitutionality; and, that being ascertained, the next is its expediency; which last opens the whole field of argument for and against. Every topic may be urged calculated to prove it wise or unwise: so in a bill to raise imposts. It must first be ascertained that the bill is based on the principles of revenue, and that the money raised is necessary for the wants of the country. These being ascertained, every argument, direct

and indirect, may be fairly offered, which may go to show that, under all the circumstances, the provisions of the bill are proper or improper. Had this plain and simple rule been adhered to, we should never have heard of the complaint of Carolina. Her objection is not against the improper modification of a bill acknowledged to be for revenue, but that, under the name of imposts, a power essentially different from the taxing power is exercised—partaking much more of the character of a penalty than a tax. Nothing is more common than that things closely resembling in appearance should widely and essentially differ in their character. Arsenic, for instance, resembles flour, yet one is a deadly poison, and the other that which constitutes the staff of life. So duties imposed, whether for revenue or protection, may be called imposts; though nominally and apparently the same, yet they differ essentially in their real character.

I shall now return to my speech on the tariff of 1816. To determine what my opinions really were on the subject of protection at that time, it will be proper to advert to my sentiments before and after that period. My sentiments preceding 1816, on this subject, are a matter of record. I came into Congress in 1812, a devoted friend and supporter of the then administration; yet one of my first efforts was to brave the administration, by opposing its favorite measure, the restrictive system—embargo, non-intercourse, and all—and that upon the principle of free trade. The system remained in fashion for a time; but, after the overthrow of Bonaparte, I reported a bill from the Committee on Foreign Relations, to repeal the whole system of restrictive measures. While the bill was under consideration, a worthy man, then a member of the House (Mr. M'Kim of Baltimore), moved to except the Non-Importation Act, which he supported on the ground of encouragement to manufactures. I resisted the motion on the very grounds on which Mr. M'Kim supported it. I maintained that the manufacturers were then

receiving too much protection, and warned its friends that the withdrawal of the protection which the war and the high duties then afforded would cause great embarrassment; and that the true policy, in the mean time, was to admit foreign goods as freely as possible, in order to diminish the anticipated embarrassment on the return of peace; intimating, at the same time, my desire to see the tariff revised, with a view of affording a moderate and permanent protection.

Such was my conduct before 1816. Shortly after that period I left Congress, and had no opportunity of making known my sentiments in reference to the protective system, which shortly after began to be agitated. But I have the most conclusive evidence that I considered the arrangement of the revenue, in 1816, as growing out of the necessity of the case, and due to the consideration of justice. But, even at that early period, I was not without my fears that even that arrangement would lead to abuse and future difficulties. I regret that I have been compelled to dwell so long on myself; but trust that, whatever censure may be incurred, will not be directed against me, but against those who have drawn my conduct into the controversy; and who may hope, by assailing my motives, to wound the cause with which I am proud to be identified.

I may add, that all the Southern States voted with South Carolina in support of the bill: not that they had any interest in manufactures, but on the ground that they had supported the war, and, of course, felt a corresponding obligation to sustain those establishments which had grown up under the encouragement it had incidentally afforded; whilst most of the New England members were opposed to the measure principally, as I believe, on opposite principles.

I have now, I trust, satisfactorily repelled the charge against the State, and myself personally, in reference to the tariff of 1816. Whatever support the State has given the bill, originated in the most disinterested motives. There was

not within the limits of the State, so far as my memory serves me, a single cotton or woollen establishment. Her whole dependence was on agriculture, and the cultivation of two great staples, rice and cotton. Her obvious policy was to keep open the market of the world unchecked and unrestricted ;—to buy cheap, and to sell high : but from a feeling of kindness, combined with a sense of justice, she added her support to the bill. We had been told by the agents of the manufacturers that the protection which the measure afforded would be sufficient ; to which we the more readily conceded, as it was considered a final adjustment of the question.

Let us now turn our eyes forward, and see what has been the conduct of the parties to this arrangement. Have Carolina and the South disturbed this adjustment? No ; they have never raised their voice in a single instance against it, even though this measure, moderate, comparatively, as it is, was felt with no inconsiderable pressure on their interests. Was this example imitated on the opposite side? Far otherwise. Scarcely had the President signed his name, before application was made for an increase of duties, which was repeated, with demands continually growing, till the passage of the act of 1828. What course now, I would ask, did it become Carolina to pursue in reference to these demands? Instead of acquiescing in them, because she had acted generously in adjusting the tariff of 1816, she saw, in her generosity on that occasion, additional motives for that firm and decided resistance which she has since made against the system of protection. She accordingly commenced a systematic opposition to all further encroachments, which continued from 1818 till 1828 ; by discussions and by resolutions, by remonstrances and by protests through her legislature. These all proved insufficient to stem the current of encroachment: but, notwithstanding the heavy pressure on her industry, she never despaired of relief till the passage of the act of 1828—that bill of abominations—engendered by

avarice and political intrigue. Its adoption opened the eyes of the State, and gave a new character to the controversy. Till then, the question had been, whether the protective system was constitutional and expedient; but, after that, she no longer considered the question whether the right of regulating the industry of the States was a reserved or delegated power, but what right a State possesses to defend her reserved powers against the encroachments of the Federal Government: a question on the decision of which the value of all the reserved powers depends. The passage of the act of 1828, with all its objectionable features, and under the circumstances connected with it, almost, if not entirely, closed the door of hope through the General Government. It afforded conclusive evidence that no reasonable prospect of relief from Congress could be entertained; yet, the near approach of the period of the payment of the public debt, and the elevation of General Jackson to the Presidency, still afforded a ray of hope—not so strong, however, as to prevent the State from turning her eyes for final relief to her reserved powers.

Under these circumstances commenced that inquiry into the nature and extent of the reserved powers of a State, and the means which they afford of resistance against the encroachments of the General Government, which has been pursued with so much zeal and energy, and, I may add, intelligence. Never was there a political discussion carried on with greater activity, and which appealed more directly to the intelligence of a community. Throughout the whole, no address has been made to the low and vulgar passions; but, on the contrary, the discussion has turned upon the higher principles of political economy, connected with the operations of the tariff system, calculated to show its real bearing on the interests of the State, and on the structure of our political system; and to show the true character of the relations between the State and the General Government, and the

means which the States possess of defending those powers which they reserved in forming the Federal Government.

In this great canvass, men of the most commanding talents and acquirements have engaged with the greatest ardor; and the people have been addressed through every channel—by essays in the public press, and by speeches in their public assemblies—until they have become thoroughly instructed on the nature of the oppression, and on the rights which they possess, under the constitution, to throw it off.

If gentlemen suppose that the stand taken by the people of Carolina rests on passion and delusion, they are wholly mistaken. The case is far otherwise. No community, from the legislator to the ploughman, were ever better instructed in their rights; and the resistance on which the State has resolved, is the result of mature reflection, accompanied with a deep conviction that their rights have been violated, and that the means of redress which they have adopted are consistent with the principles of the constitution.

But while this active canvass was carried on, which looked to the reserved powers as the final means of redress if all others failed, the State at the same time cherished a hope, as I have already stated, that the election of General Jackson to the presidency would prevent the necessity of a resort to extremities. He was identified with the interests of the staple States; and, having the same interest, it was believed that his great popularity—a popularity of the strongest character, as it rested on military services—would enable him, as they hoped, gradually to bring down the system of protection, without shock or injury to any interest. Under these views, the canvass in favor of General Jackson's election to the Presidency was carried on with great zeal, in conjunction with that active inquiry into the reserved powers of the States on which final reliance was placed. But little did the people of Carolina dream that the man whom they were thus striving to elevate to the highest seat of power would prove so

utterly false to all their hopes. Man is, indeed, ignorant of the future; nor was there ever a stronger illustration of the observation than is afforded by the result of that election! The very event on which they had built their hopes has been turned against them; and the very individual to whom they looked as a deliverer, and whom, under that impression, they strove for so many years to elevate to power, is now the most powerful instrument in the hands of his and their bitterest opponents to put down them and their cause!

Scarcely had he been elected, when it became apparent, from the organization of his cabinet and other indications, that all their hopes of relief through him were blasted. The admission of a single individual into the cabinet, under the circumstances which accompanied that admission, threw all into confusion. The mischievous influence over the President, through which this individual was admitted into the cabinet, soon became apparent. Instead of turning his eyes forward to the period of the payment of the public debt, which was then near at hand, and to the present dangerous political crisis, which was inevitable unless averted by a timely and wise system of measures, the attention of the President was absorbed by mere party arrangements, and circumstances too disreputable to be mentioned here, except by the most distant allusion.

Here I must pause for a moment to repel a charge which has been so often made, and which even the President has reiterated in his proclamation—the charge that I have been actuated, in the part which I have taken, by feelings of disappointed ambition. I again repeat, that I deeply regret the necessity of noticing myself in so important a discussion; and that nothing can induce me to advert to my own course but the conviction that it is due to the cause, at which a blow is aimed through me. It is only in this view that I notice it.

It illy became the chief magistrate to make this charge.

The course which the State took, and which led to the present controversy between her and the General Government, was taken as far back as 1828—in the very midst of that severe canvass which placed him in power—and in that very canvass Carolina openly avowed and zealously maintained those very principles which he, the chief magistrate, now officially pronounces to be treason and rebellion. That was the period at which he ought to have spoken. Having remained silent then, and having, under his approval, implied by that silence, received the support and the vote of the State, I, if a sense of decorum did not prevent it, might recriminate with the double charge of deception and ingratitude. My object, however, is not to assail the President, but to defend myself against a most unfounded charge. The time alone when that course was taken, on which this charge of *disappointed ambition* is founded, will of itself repel it, in the eye of every unprejudiced and honest man. The doctrine which I now sustain, under the present difficulties, I openly avowed and maintained immediately after the act of 1828, that "bill of abominations," as it has been so often and properly termed. Was I, at that period, disappointed in any views of ambition which I might be supposed to entertain? I was Vice-President of the United States, elected by an overwhelming majority. I was a candidate for re-election on the ticket with General Jackson himself, with a certain prospect of the triumphant success of that ticket, and with a fair prospect of the highest office to which an American citizen can aspire. What was my course under these prospects? Did I look to my own advancement, or to an honest and faithful discharge of my duty? Let facts speak for themselves. When the bill to which I have referred came from the other House to the Senate, the almost universal impression was, that its fate would depend upon my casting vote. It was known that, as the bill then stood, the Senate was nearly equally divided; and as it was a combined

measure, originating with the politicians and manufacturers, and intended as much to bear upon the Presidential election as to protect manufactures, it was believed that, as a stroke of political policy, its fate would be made to depend on my vote, in order to defeat General Jackson's election, as well as my own. The friends of General Jackson were alarmed, and I was earnestly entreated to leave the chair in order to avoid the responsibility, under the plausible argument that, if the Senate should be equally divided, the bill would be lost without the aid of my casting vote. The reply to this entreaty was, that no consideration personal to myself could induce me to take such a course; that I considered the measure as of the most dangerous character, and calculated to produce the most fearful crisis; that the payment of the public debt was just at hand; and that the great increase of revenue which it would pour into the treasury would accelerate the approach of that period, and that the country would be placed in the most trying of situations—with an immense revenue without the means of absorption upon any legitimate or constitutional object of appropriation, and compelled to submit to all the corrupting consequences of a large surplus, or to make a sudden reduction of the rates of duties, which would prove ruinous to the very interests which were then forcing the passage of the bill. Under these views I determined to remain in the chair, and if the bill came to me, to give my casting vote against it, and in doing so, to give my reasons at large; but at the same time I informed my friends that I would retire from the ticket, so that the election of General Jackson might not be embarrassed by any act of mine. Sir, I was amazed at the folly and infatuation of that period. So completely absorbed was Congress in the game of ambition and avarice—from the double impulse of the manufacturers and politicians—that none but a few appeared to anticipate the present crisis, at which all are now alarmed, but which is the inevitable result of what was then done.

As to myself, I clearly foresaw what has since followed. The road of ambition lay open before me—I had but to follow the corrupt tendency of the times—but I chose to tread the rugged path of duty.

It was thus that the reasonable hope of relief through the election of General Jackson was blasted ; but still one other hope remained, that the final discharge of the public debt—an event near at hand—would remove our burden. That event would leave in the treasury a large surplus : a surplus that could not be expended under the most extravagant schemes of appropriation, having the least color of decency or constitutionality. That event at last arrived. At the last session of Congress, it was avowed on all sides that the public debt, as to all practical purposes, was in fact paid, the small surplus remaining being nearly covered by the money in the treasury and the bonds for duties which had already accrued ; but with the arrival of this event our last hope was doomed to be disappointed. After a long session of many months, and the most earnest effort on the part of South Carolina and the other Southern States to obtain relief, all that could be effected was a small reduction in the amount of the duties ; but a reduction of such a character, that, while it diminished the amount of burden, distributed that burden more unequally than even the obnoxious act of 1828 : reversing the principle adopted by the bill of 1816, of laying higher duties on the unprotected than the protected articles, by repealing almost entirely the duties laid upon the former, and imposing the burden almost entirely on the latter. It was thus that, instead of relief—instead of an equal distribution of the burdens and benefits of the Government, on the payment of the debt, as had been fondly anticipated—the duties were so arranged as to be, in fact, bounties on one side and taxation on the other ; thus placing the two great sections of the country in direct conflict in reference to its fiscal action, and thereby letting in that flood of political

corruption which threatens to sweep away our constitution and our liberty.

This unequal and unjust arrangement was pronounced, both by the administration, through its proper organ, the Secretary of the Treasury, and by the opposition, to be a *permanent* adjustment; and it was thus that all hope of relief through the action of the General Government terminated; and the crisis so long apprehended at length arrived, at which the State was compelled to choose between absolute acquiescence in a ruinous system of oppression, or a resort to her reserved powers—powers of which she alone was the rightful judge, and which only, in this momentous juncture, could save her. She determined on the latter.

The consent of two-thirds of her legislature was necessary for the call of a convention, which was considered the only legitimate organ through which the people, in their sovereignty, could speak. After an arduous struggle the State Rights party succeeded: more than two-thirds of both branches of the legislature favorable to a convention were elected; a convention was called—the ordinance adopted. The convention was succeeded by a meeting of the legislature, when the laws to carry the ordinance into execution were enacted: all of which have been communicated by the President, have been referred to the Committee on the Judiciary, and this bill is the result of their labor.

Having now corrected some of the prominent misrepresentations as to the nature of this controversy, and given a rapid sketch of the movement of the State in reference to it, I will next proceed to notice some objections connected with the ordinance and the proceedings under it.

The first and most prominent of these is directed against what is called the test oath, which an effort has been made to render odious. So far from deserving the denunciation which has been levelled against it, I view this provision of the ordinance as but the natural result of the doctrines en-

tertained by the State, and the position which she occupies. The people of Carolina believe that the Union is a union of States, and not of individuals ; that it was formed by the States, and that the citizens of the several States were bound to it through the acts of their several States ; that each State ratified the constitution for itself, and that it was only by such ratification of a State that any obligation was imposed upon its citizens. Thus believing, it is the opinion of the people of Carolina that it belongs to the State which has imposed the obligation to declare, in the last resort, the extent of this obligation, as far as her citizens are concerned ; and this upon the plain principles which exist in all analogous cases of compact between sovereign bodies. On this principle, the people of the State, acting in their sovereign capacity in convention, precisely as they did in the adoption of their own and the federal constitution, have declared, by the ordinance, that the acts of Congress which imposed duties under the authority to lay imposts, are acts, not for revenue, as intended by the constitution, but for protection, and therefore null and void. The ordinance thus enacted by the people of the State themselves, acting as a sovereign community, is as obligatory on the citizens of the State as any portion of the constitution. In prescribing, then, the oath to obey the ordinance, no more was done than to prescribe an oath to obey the constitution. It is, in fact, but a particular oath of allegiance, and in every respect similar to that which is prescribed, under the constitution of the United States, to be administered to all the officers of the State and Federal Governments ; and is no more deserving the harsh and bitter epithets which have been heaped upon it, than that, or any similar oath. It ought to be borne in mind, that, according to the opinion which prevails in Carolina, the right of resistance to the unconstitutional acts of Congress belongs to the State, and not to her individual citizens ; and that, though the latter may, in a mere question of *meum* and *tuum*, resist,

through the courts, an unconstitutional encroachment upon their rights, yet the final stand against usurpation rests not with them, but with the State of which they are members ; and such act of resistance by a State binds the conscience and allegiance of the citizen. But there appears to be a general misapprehension as to the extent to which the State has acted under this part of the ordinance. Instead of sweeping every officer by a general proscription of the minority, as has been represented in debate, as far as my knowledge extends, not a single individual has been removed. The State has, in fact, acted with the greatest tenderness, all circumstances considered, towards citizens who differed from the majority ; and, in that spirit, has directed the oath to be administered only in case of some official act directed to be performed, in which obedience to the ordinance is involved.

It has been further objected, that the State has acted precipitately. What ! precipitately ! after making a strenuous resistance for twelve years—by discussion here and in the other House of Congress—by essays in all forms—by resolutions, remonstrances, and protests on the part of her legislature—and, finally, by attempting an appeal to the judicial power of the United States ? I say attempting, for they have been prevented from bringing the question fairly before the court, and that by an act of that very majority in Congress who now upbraid them for not making that appeal ; of that majority who, on a motion of one of the members in the other House from South Carolina, refused to give to the act of 1828 its true title—that it was a *protective*, and not a *revenue* act. The State has never, it is true, relied upon that tribunal, the Supreme Court, to vindicate its reserved rights ; yet they have always considered it as an auxiliary means of defence, of which they would gladly have availed themselves to test the constitutionality of protection, had they not been deprived of the means of doing so by the act of the majority.

Notwithstanding this long delay of more than ten years, under this continued encroachment of the Government, we now hear it on all sides, by friends and foes, gravely pronounced that the State has acted precipitately—that her conduct has been rash! That such should be the language of an interested majority, who, by means of this unconstitutional and oppressive system, are annually extorting millions from the South, to be bestowed upon other sections, is not at all surprising. Whatever impedes the course of avarice and ambition, will ever be denounced as rash and precipitate; and had South Carolina delayed her resistance fifty instead of twelve years, she would have heard from the same quarter the same language; but it is really surprising, that those who are suffering in common with herself, and who have complained equally loud of their grievances; who have pronounced the very acts which she has asserted within *her* limits to be oppressive, unconstitutional, and ruinous, after so long a struggle—a struggle longer than that which preceded the separation of these States from the mother-country—longer than the period of the Trojan war—should now complain of precipitancy! No, it is not Carolina which has acted precipitately; but her sister States, who have suffered in common with her, have acted tardily. Had they acted as she has done; had they performed their duty with equal energy and promptness, our situation this day would be very different from what we now find it. Delays are said to be dangerous; and never was the maxim more true than in the present case, a case of monopoly. It is the very nature of monopolies to grow. If we take from one side a large portion of the proceeds of its labor, and give it to the other, the side from which we take must constantly decay, and that to which we give must prosper and increase. Such is the action of the protective system. It exacts from the South a large portion of the proceeds of its industry, which it bestows upon the other sections, in the shape of bounties to

manufactures, and appropriations in a thousand forms; pensions, improvement of rivers and harbors, roads and canals, and in every shape that wit or ingenuity can devise. Can we, then, be surprised that the principle of monopoly grows, when it is so amply remunerated at the expense of those who support it? And this is the real reason of the fact which we witness, that all acts for protection pass with small minorities, but soon come to be sustained by great and overwhelming majorities. Those who seek the monopoly endeavor to obtain it in the most exclusive shape; and they take care, accordingly, to associate only a sufficient number of interests barely to pass it through the two Houses of Congress, on the plain principle, that the greater the number from whom the monopoly takes, and the fewer on whom it bestows, the greater is the advantage to the monopolists. Acting in this spirit, we have often seen with what exact precision they count: adding wool to woollens, associating lead and iron, feeling their way, until a bare majority is obtained, when the bill passes, connecting just as many interests as are sufficient to ensure its success, and no more. In a short time, however, we have invariably found that this *lean* becomes a decided majority, under the certain operation which compels individuals to desert the pursuits which the monopoly has rendered unprofitable, that they may participate in those which it has rendered profitable. It is against this dangerous and growing disease that South Carolina has acted—a disease, whose cancerous action would soon have spread to every part of the system, if not arrested.

There is another powerful reason why the action of the State could not have been safely delayed. The public debt, as I have already stated, for all practical purposes, has already been paid; and, under the existing duties, a large annual surplus of many millions must come into the treasury. It is impossible to look at this state of things without seeing the most mischievous consequences; and, among others, if not

speedily corrected, it would interpose powerful and almost insuperable obstacles to throwing off the burden under which the South has been so long laboring. The disposition of the surplus would become a subject of violent and corrupt struggle, and could not fail to rear up new and powerful interests in support of the existing system, not only in those sections which have been heretofore benefited by it, but even in the South itself. I cannot but trace to the anticipation of this state of the treasury the sudden and extraordinary movements which took place at the last session in the Virginia Legislature, in which the whole South is vitally interested.* It is impossible for any rational man to believe that that State could seriously have thought of effecting the scheme to which I allude by her own resources, without powerful aid from the General Government.

It is next objected, that the enforcing acts have legislated the United States out of South Carolina. I have already replied to this objection on another occasion, and will now but repeat what I then said: that they have been legislated out only to the extent that they had no right to enter. The constitution has admitted the jurisdiction of the United States within the limits of the several States only so far as the delegated powers authorize; beyond that they are intruders, and may rightfully be expelled; and that they have been efficiently expelled by the legislation of the State through her civil process, as has been acknowledged on all sides in the debate, is only a confirmation of the truth of the doctrine for which the majority in Carolina have contended.

The very point at issue between the two parties there is, whether nullification is a peaceable and an efficient remedy against an unconstitutional act of the General Government, and may be asserted, as such, through the State tribunals.

* Having for their object the emancipation and colonization of slaves.

Both parties agree that the acts against which it is directed are unconstitutional and oppressive. The controversy is only as to the means by which our citizens may be protected against the acknowledged encroachments on their rights. This being the point at issue between the parties, and the very object of the majority being an efficient protection of the citizens through the State tribunals, the measures adopted to enforce the ordinance, of course received the most decisive character. We were not children, to act by halves. Yet for acting thus efficiently the State is denounced, and this bill reported, to overrule, by military force, the civil tribunals and civil process of the State! Sir, I consider this bill, and the arguments which have been urged on this floor in its support, as the most triumphant acknowledgment that nullification is peaceful and efficient, and so deeply intrenched in the principles of our system, that it cannot be assailed but by prostrating the constitution, and substituting the supremacy of military force in lieu of the supremacy of the laws. In fact, the advocates of this bill refute their own argument. They tell us that the ordinance is unconstitutional; that it infracts the constitution of South Carolina, although, to me, the objection appears absurd, as it was adopted by the very authority which adopted the constitution itself. They also tell us that the Supreme Court is the appointed arbiter of all controversies between a State and the General Government. Why, then, do they not leave this controversy to that tribunal? Why do they not confide to them the abrogation of the ordinance, and the laws made in pursuance of it, and the assertion of that supremacy which they claim for the laws of Congress? The State stands pledged to resist no process of the court. Why, then, confer on the President the extensive and unlimited powers provided in this bill? Why authorize him to use military force to arrest the civil process of the State? But one answer can be given: That, in a contest between the State and the Gen-

eral Government, if the resistance be limited on both sides to the civil process, the State, by its inherent sovereignty, standing upon its reserved powers, will prove too powerful in such a controversy, and must triumph over the Federal Government, sustained by its delegated and limited authority; and in this answer we have an acknowledgment of the truth of those great principles for which the State has so firmly and nobly contended.

Having made these remarks, the great question is now presented, Has Congress the right to pass this bill? which I will next proceed to consider. The decision of this question involves an inquiry into the provisions of the bill. What are they? It puts at the disposal of the President the army and navy, and the entire militia of the country; it enables him, at his pleasure, to subject every man in the United States, not exempt from militia duty, to martial law; to call him from his ordinary occupation to the field, and under the penalty of fine and imprisonment, inflicted by a court martial, to imbrue his hand in his brother's blood. There is no limitation on the power of the sword;—and that over the purse is equally without restraint; for among the extraordinary features of the bill, it contains no appropriation, which, under existing circumstances, is tantamount to an unlimited appropriation. The President may, under its authority, incur any expenditure, and pledge the national faith to meet it. He may create a new national debt, at the very moment of the termination of the former—a debt of millions, to be paid out of the proceeds of the labor of that section of the country whose dearest constitutional rights this bill prostrates! Thus exhibiting the extraordinary spectacle, that the very section of the country which is urging this measure, and carrying the sword of devastation against us, is, at the same time, incurring a new debt, to be paid by those whose rights are violated; while those who violate

them are to receive the benefits, in the shape of bounties and expenditures.

And for what purpose is the unlimited control of the purse and of the sword thus placed at the disposition of the Executive? To make war against one of the free and sovereign members of this confederation, which the bill proposes to deal with, not as a State, but as a collection of banditti or outlaws. Thus exhibiting the impious spectacle of this Government, the creature of the States, making war against the power to which it owes its existence.

The bill violates the constitution, plainly and palpably, in many of its provisions, by authorizing the President at his pleasure, to place the different ports of this Union on an unequal footing, contrary to that provision of the constitution which declares that no preference shall be given to one port over another. It also violates the constitution by authorizing him, at his discretion, to impose cash duties on one port, while credit is allowed in others; by enabling the President to regulate commerce, a power vested in Congress alone; and by drawing within the jurisdiction of the United States Courts, powers never intended to be conferred on them. As great as these objections are, they become insignificant in the provisions of a bill which, by a single blow—by treating the States as a mere lawless mass of individuals—prostrates all the barriers of the constitution. I will pass over the minor considerations, and proceed directly to the great point. This bill proceeds on the ground that the entire sovereignty of this country belongs to the American people, as forming one great community, and regards the States as mere fractions or counties, and not as integral parts of the Union; having no more right to resist the encroachments of the Government than a county has to resist the authority of a State; and treating such resistance as the lawless acts of so many individuals, without possessing sovereignty or political rights. It has been said that the bill declares war against South Car-

olina. No. It decrees a massacre of her citizens! War has something ennobling about it, and, with all its horrors, brings into action the highest qualities, intellectual and moral. It was, perhaps, in the order of Providence that it should be permitted for that very purpose. But this bill declares no war, except, indeed, it be that which savages wage —a war, not against the community, but the citizens of whom that community is composed. But I regard it as worse than *savage* warfare—as an attempt to take away life under the color of law, without the trial by jury, or any other safeguard which the constitution has thrown around the life of the citizen! It authorizes the President, or even his deputies, when they may suppose the law to be violated, without the intervention of a court or jury, to kill without mercy or discrimination!

It has been said by the senator from Tennessee (Mr. Grundy) to be a measure of peace! Yes, such peace as the wolf gives to the lamb—the kite to the dove! Such peace as Russia gives to Poland, or death to its victim! A peace, by extinguishing the political existence of the State, by awing her into an abandonment of the exercise of every power which constitutes her a sovereign community. It is to South Carolina a question of self-preservation; and I proclaim it, that, should this bill pass, and an attempt be made to enforce it, it will be resisted, at every hazard—even that of death itself. Death is not the greatest calamity: there are others still more terrible to the free and brave, and among them may be placed the loss of liberty and honor. There are thousands of her brave sons who, if need be, are prepared cheerfully to lay down their lives in defence of the State, and the great principles of constitutional liberty for which she is contending. God forbid that this should become necessary! It never can be, unless this Government is resolved to bring the question to extremity, when her gallant sons will stand prepared to perform the last duty—to die nobly.

I go on the ground that this constitution was made by the States; that it is a federal union of the States, in which the several States still retain their sovereignty. If these views be correct, I have not characterized the bill too strongly; and the question is, whether they be or be not. I will not enter into the discussion of this question now. I will rest it, for the present, on what I have said on the introduction of the resolutions now on the table, under a hope that another opportunity will be afforded for more ample discussion. I will, for the present, confine my remarks to the objections which have been raised to the views which I presented when I introduced them. The authority of Luther Martin has been adduced by the Senator from Delaware, to prove that the citizens of a State, acting under the authority of a State, are liable to be punished as traitors by this government. Eminent as Mr. Martin was as a lawyer, and high as his authority may be considered on a legal point, I cannot accept it in determining the point at issue. The attitude which he occupied, if taken into view, would lessen, if not destroy, the weight of his authority. He had been violently opposed in convention to the constitution, and the very letter from which the Senator has quoted was intended to dissuade Maryland from its adoption. With this view, it was to be expected that every consideration calculated to effect that object should be urged; that real objections should be exaggerated; and that those having no foundation, except mere plausible deductions, should be presented. It is to this spirit that I attribute the opinion of Mr. Martin in reference to the point under consideration. But if his authority be good on one point, it must be admitted to be equally so on another. If his opinion be sufficient to prove that a citizen of a State may be punished as a traitor when acting under allegiance to the State, it is also sufficient to show that no authority was intended to be given in the constitution for the protection of manufactures by the General

Government, and that the provision in the constitution permitting a State to lay an impost duty, with the consent of Congress, was intended to reserve the right of protection to the States themselves, and that each State should protect its own industry. Assuming his opinion to be of equal authority on both points, how embarrassing would be the attitude in which it would place the Senator from Delaware, and those with whom he is acting—that of using the sword and bayonet to enforce the execution of an unconstitutional act of Congress. I must express my surprise that the slightest authority in favor of *power* should be received as the most conclusive evidence, while that which is, at least, equally strong in favor of right and *liberty*, is wholly overlooked or rejected.

Notwithstanding all that has been said, I may say that neither the Senator from Delaware (Mr. Clayton), nor any other who has spoken on the same side, has directly and fairly met the great question at issue: Is this a federal union? a union of States, as distinct from that of individuals? Is the sovereignty in the several States, or in the American people in the aggregate? The very language which we are compelled to use when speaking of our political institutions, affords proof conclusive as to its real character. The terms union, federal, united, all imply a combination of sovereignties, a confederation of States. They are never applied to an association of individuals. Who ever heard of the United State of New-York, of Massachusetts, or of Virginia? Who ever heard the term federal or union applied to the aggregation of individuals into one community? Nor is the other point less clear—that the sovereignty is in the several States, and that our system is a union of twenty-four sovereign powers, under a constitutional compact, and not of a divided sovereignty between the States severally and the United States. In spite of all that has been said, I maintain that sovereignty is in its

nature indivisible. It is the supreme power in a State, and we might just as well speak of half a square, or half of a triangle, as of half a sovereignty. It is a gross error to confound the *exercise* of sovereign powers with *sovereignty* itself, or the *delegation* of such powers with the *surrender* of them. A sovereign may delegate his powers to be exercised by as many agents as he may think proper, under such conditions and with such limitations as he may impose ; but to surrender any portion of his sovereignty to another is to annihilate the whole. The Senator from Delaware (Mr. Clayton) calls this metaphysical reasoning, which he says he cannot comprehend. If by metaphysics he means that scholastic refinement which makes distinctions without difference, no one can hold it in more utter contempt than I do ; but if, on the contrary, he means the power of analysis and combination—that power which reduces the most complex idea into its elements, which traces causes to their first principle, and, by the power of generalization and combination, unites the whole in one harmonious system—then, so far from deserving contempt, it is the highest attribute of the human mind. It is the power which raises man above the brute—which distinguishes his faculties from mere sagacity, which he holds in common with inferior animals. It is this power which has raised the astronomer from being a mere gazer at the stars to the high intellectual eminence of a Newton or a Laplace, and astronomy itself from a mere observation of insulated facts into that noble science which displays to our admiration the system of the universe. And shall this high power of the mind, which has effected such wonders when directed to the laws which control the material world, be for ever prohibited, under a senseless cry of metaphysics, from being applied to the high purpose of political science and legislation ? I hold them to be subject to laws as fixed as matter itself, and to be as fit a subject for the application of the highest intellectual power. Denun-

ciation may, indeed, fall upon the philosophical inquirer into these first principles, as it did upon Galileo and Bacon when they first unfolded the great discoveries which have immortalized their names; but the time will come when truth will prevail in spite of prejudice and denunciation, and when politics and legislation will be considered as much a science as astronomy and chemistry.

In connection with this part of the subject, I understood the Senator from Virginia (Mr. Rives) to say that sovereignty was divided, and that a portion remained with the States severally, and that the residue was vested in the Union. By Union, I suppose the Senator meant the United States. If such be his meaning—if he intended to affirm that the sovereignty was in the twenty-four States, in whatever light he may view them, our opinions will not disagree; but according to my conception, the whole sovereignty is in the several States, while the exercise of sovereign powers is divided—a part being exercised under compact, through this General Government, and the residue through the separate State Governments. But if the Senator from Virginia (Mr. Rives) means to assert that the twenty-four States form but one community, with a single sovereign power as to the objects of the Union, it will be but the revival of the old question, of whether the Union is a union between States, as distinct communities, or a mere aggregate of the American people, as a mass of individuals; and in this light his opinions would lead directly to consolidation.

But to return to the bill. It is said that the bill ought to pass, because the law must be enforced. The law must be enforced! The imperial edict must be executed! It is under such sophistry, couched in general terms, without looking to the limitations which must ever exist in the practical exercise of power, that the most cruel and despotic acts ever have been covered. It was such sophistry as this that cast Daniel into the lion's den, and the three Innocents

into the fiery furnace. Under the same sophistry the bloody edicts of Nero and Caligula were executed. The law must be enforced. Yes, the act imposing the "tea-tax must be executed." This was the very argument which impelled Lord North and his administration to that mad career which for ever separated us from the British crown. Under a similar sophistry, "that religion must be protected," how many massacres have been perpetrated? and how many martyrs have been tied to the stake? What! acting on this vague abstraction, are you prepared to enforce a law without considering whether it be just or unjust, constitutional or unconstitutional? Will you collect money when it is acknowledged that it is not wanted? He who earns the money, who digs it from the earth with the sweat of his brow, has a just title to it against the universe. No one has a right to touch it without his consent except his government, and this only to the extent of its legitimate wants; to take more is robbery, and you propose by this bill to enforce robbery by murder. Yes: to this result you must come, by this miserable sophistry, this vague abstraction of enforcing the law, without a regard to the fact whether the law be just or unjust, constitutional or unconstitutional.

In the same spirit, we are told that the Union must be preserved, without regard to the means. And how is it proposed to preserve the Union? By force! Does any man in his senses believe that this beautiful structure—this harmonious aggregate of States, produced by the joint consent of all—can be preserved by force? Its very introduction will be certain destruction to this Federal Union. No, no. You cannot keep the States united in their constitutional and federal bonds by force. Force may, indeed, hold the parts together, but such union would be the bond between master and slave—a union of exaction on one side and of unqualified *obedience* on the other. That *obedience* which, we are told by the Senator from Pennsylvania (Mr. Wilkins),

is the Union! Yes, exaction on the side of the master; for this very bill is intended to collect what can be no longer called taxes—the voluntary contribution of a free people—but tribute—tribute to be collected under the mouths of the cannon! Your custom-house is already transferred to a garrison, and that garrison with its batteries turned, not against the enemy of your country, but on subjects (I will not say citizens), on whom you propose to levy contributions. Has reason fled from our borders? Have we ceased to reflect? It is madness to suppose that the Union can be preserved by force. I tell you plainly, that the bill, should it pass, cannot be enforced. It will prove only a blot upon your statute-book, a reproach to the year, and a disgrace to the American Senate. I repeat, it will not be executed; it will rouse the dormant spirit of the people, and open their eyes to the approach of despotism. The country has sunk into avarice and political corruption, from which nothing can arouse it but some measure, on the part of the Government, of folly and madness, such as that now under consideration.

Disguise it as you may, the controversy is one between power and liberty; and I tell the gentlemen who are opposed to me, that, as strong as may be the love of power on their side, the love of liberty is still stronger on ours. History furnishes many instances of similar struggles, where the love of liberty has prevailed against power under every disadvantage, and among them few more striking than that of our own Revolution; where, as strong as was the parent country, and feeble as were the colonies, yet, under the impulse of liberty, and the blessing of God, they gloriously triumphed in the contest. There are, indeed, many and striking analogies between that and the present controversy. They both originated substantially in the same cause—with this difference—in the present case, the power of taxation is converted into that of regulating industry; in the other, the power of regulating industry, by the regulation of commerce,

was attempted to be converted into the power of taxation. Were I to trace the analogy further, we should find that the perversion of the taxing power, in the one case, has given precisely the same control to the Northern section over the industry of the Southern section of the Union, which the power to regulate commerce gave to Great Britain over the industry of the colonies in the other; and that the very articles in which the colonies were permitted to have a free trade, and those in which the mother-country had a monopoly, are almost identically the same as those in which the Southern States are permitted to have a free trade by the act of 1832, and in which the Northern States have, by the same act, secured a monopoly. The only difference is in the means. In the former, the colonies were permitted to have a free trade with all countries south of Cape Finisterre, a cape in the northern part of Spain; while north of that, the trade of the colonies was prohibited, except through the mother-country, by means of her commercial regulations. If we compare the products of the country north and south of Cape Finisterre, we shall find them almost identical with the list of the protected and unprotected articles contained in the act of last year. Nor does the analogy terminate here. The very arguments resorted to at the commencement of the American Revolution, and the measures adopted, and the motives assigned to bring on that contest (to enforce the law), are almost identically the same.

But to return from this digression to the consideration of the bill. Whatever difference of opinion may exist upon other points, there is one on which I should suppose there can be none: that this bill rests on principles which, if carried out, will ride over State sovereignties, and that it will be idle for any of its advocates hereafter to talk of State rights. The Senator from Virginia (Mr. Rives) says that he is the advocate of State rights; but he must permit me to tell him that, although he may differ in premises from

the other gentlemen with whom he acts on this occasion, yet, in supporting this bill, he obliterates every vestige of distinction between him and them, saving only that, professing the principles of '98, his example will be more pernicious than that of the most open and bitter opponents of the rights of the States. I will also add, what I am compelled to say, that I must consider him (Mr. Rives) as less consistent than our old opponents, whose conclusions were fairly drawn from their premises, while his premises ought to have led him to opposite conclusions. The gentleman has told us that the new-fangled doctrines, as he chooses to call them, have brought State rights into disrepute. I must tell him, in reply, that what he calls new-fangled are but the doctrines of '98 ; and that it is he (Mr. Rives), and others with him, who, professing these doctrines, have degraded them by explaining away their meaning and efficacy. He (Mr. R.) has disclaimed, in behalf of Virginia, the authorship of nullification. I will not dispute that point. If Virginia chooses to throw away one of her brightest ornaments, she must not hereafter complain that it has become the property of another. But while I have, as a representative of Carolina, no right to complain of the disavowal of the Senator from Virginia, I must believe that he (Mr. R.) has done his native State great injustice by declaring on this floor, that when she gravely resolved, in '98, that "in cases of deliberate and dangerous infractions of the constitution, the States, as parties to the compact, have the right, and are in duty bound, to interpose to arrest the progress of the evil, and to maintain within their respective limits the authorities, rights, and liberties, appertaining to them," she meant no more than to proclaim the right to protest and to remonstrate. To suppose that, in putting forth so solemn a declaration, which she afterwards sustained by so able and elaborate an argument, she meant no more than to assert what no one had ever denied, would be to suppose that the State had been

guilty of the most egregious trifling that ever was exhibited on so solemn an occasion.

In reviewing the ground over which I have passed, it will be apparent that the question in controversy involves that most deeply important of all political questions, whether ours is a federal or a consolidated government ;—a question, on the decision of which depend, as I solemnly believe, the liberty of the people, their happiness, and the place which we are destined to hold in the moral and intellectual scale of nations. Never was there a controversy in which more important consequences were involved ; not excepting that between Persia and Greece, decided by the battles of Marathon, Platea, and Salamis—which gave ascendency to the genius of Europe over that of Asia—and which, in its consequences, has continued to affect the destiny of so large a portion of the world even to this day. There are often close analogies between events apparently very remote, which are strikingly illustrated in this case. In the great contest between Greece and Persia, between European and Asiatic polity and civilization, the very question between the federal and consolidated form of government was involved. The Asiatic governments, from the remotest time, with some exceptions on the eastern shore of the Mediterranean, have been based on the principle of consolidation, which considers the whole community as but a unit, and consolidates its powers in a central point. The opposite principle has prevailed in Europe—Greece, throughout all her states, was based on a federal system. All were united in one common but loose bond, and the governments of the several States partook, for the most part, of a complex organization, which distributed political power among different members of the community. The same principles prevailed in ancient Italy ; and, if we turn to the Teutonic race, our great ancestors—the race which occupies the first place in power, civilization, and science, and which possesses the largest and the fairest part

of Europe—we shall find that their governments were based on federal organization, as has been clearly illustrated by a recent and able writer on the British Constitution (Mr. Palgrave), from whose works I take the following extract:

"In this manner the first establishment of the Teutonic States was effected. They were assemblages of septs, clans, and tribes; they were confederated hosts and armies, led on by princes, magistrates, and chieftains; each of whom was originally independent, and each of whom lost a portion of his pristine independence in proportion as he and his compeers became united under the supremacy of a sovereign, who was superinduced upon the state, first as a military commander and afterward as a king. Yet, notwithstanding this political connection, each member of the state continued to retain a considerable portion of the rights of sovereignty. Every ancient Teutonic monarchy must be considered as a federation; it is not a unit, of which the smaller bodies politic therein contained are the fractions, but they are the integers, and the state is the multiple which results from them. Dukedoms and counties, burghs and baronies, towns and townships, and shires, form the kingdom; all, in a certain degree, strangers to each other, and separate in jurisdiction, though all obedient to the supreme executive authority. This general description, though not always strictly applicable in terms, is always so substantially and in effect; and hence it becomes necessary to discard the language which has been very generally employed in treating on the English Constitution. It has been supposed that the kingdom was reduced into a regular and gradual subordination of government, and that the various legal districts of which it is composed, arose from the divisions and subdivisions of the country. But this hypothesis, which tends greatly to perplex our history, cannot be supported by fact; and, instead of viewing the constitution as a whole, and then proceeding to its parts, we must examine it synthetically, and assume that the supreme authorities of the state were created by the concentration of the powers originally belonging to the members and corporations of which it is composed."

[Here Mr. C. gave way for a motion to adjourn.]

On the next day Mr. Calhoun said: I have omitted at the proper place, in the course of my observations yesterday, two or three points, to which I will now advert, before I resume the discussion where I left off. I have stated that the ordinance and acts of South Carolina were directed, not

against the revenue, but against the system of protection. But it may be asked, if such was her object, how happens it that she has declared the whole system void—revenue as well as protection, without discrimination? It is this question which I propose to answer. Her justification will be found in the necessity of the case; and if there be any blame, it cannot attach to her. The two are so blended, throughout the whole, as to make the entire revenue system subordinate to the protective, so as to constitute a complete system of protection, in which it is impossible to discriminate the two elements of which it is composed. South Carolina, at least, could not make the discrimination; and she was reduced to the alternative of acquiescing in a system which she believed to be unconstitutional, and which she felt to be oppressive and ruinous, or to consider the whole as one, equally contaminated through all its parts, by the unconstitutionality of the protective portion, and as such, to be resisted by the act of the State. I maintain that the State has a right to regard it in the latter character, and that, if a loss of revenue follow, the fault is not hers, but of this Government, which has improperly blended together, in a manner not to be separated by the State, two systems wholly dissimilar. If the sincerity of the State be doubted; if it be supposed that her action is against revenue as well as protection, let the two be separated—let so much of the duties as are intended for revenue be put in one bill, and the residue intended for protection be put in another, and I pledge myself that the ordinance and the acts of the State will cease as to the former, and be directed exclusively against the latter.

I also stated, in the course of my remarks yesterday, and I trust that I have conclusively shown, that the act of 1816, with the exception of a single item, to which I have alluded, was, in reality, a revenue measure; and that Carolina and the other States, in supporting it, have not incurred the

slightest responsibility in relation to the system of protection which has since grown up, and which now so deeply distracts the country. Sir, I am willing, as one of the representatives of Carolina, and I believe I speak the sentiment of the State, to take that act as the basis of a permanent adjustment of the tariff, simply reducing the duties, in an average proportion, on all the items to the revenue point. I make that offer now to the advocates of the protective system ; but I must, in candor, inform them that such an adjustment would distribute the revenue between the protected and unprotected articles more favorably to the State, and to the South, and less to the manufacturing interest, than an average uniform *ad valorem*, and, accordingly, more so than that now proposed by Carolina through her convention. After such an offer, no man who values his candor will dare accuse the State, or those who have represented her here, with inconsistency in reference to the point under consideration.

I omitted, also, on yesterday, to notice a remark of the Senator from Virginia (Mr. Rives), that the only difficulty in adjusting the tariff grew out of the ordinance and the acts of South Carolina. I must attribute an assertion, so inconsistent with the facts, to an ignorance of the occurrences of the last few years in reference to this subject, occasioned by the absence of the gentleman from the United States, to which he himself has alluded in his remarks. If the Senator will take pains to inform himself, he will find that this protective system advanced with a continued and rapid step, in spite of petitions, remonstrances, and protests, of not only Carolina, but also of Virginia and of all the Southern States, until 1828, when Carolina, for the first time, changed the character of her resistance, by holding up her reserved rights as the shield of her defence against further encroachment. This attitude alone, unaided by a single State, arrested the further progress of the system, so that the question from that period to this, on the part of the manufacturers, has

been, not how to acquire more, but to retain that which they have acquired. I will inform the gentleman that, if this attitude had not been taken on the part of the State, the question would not now be how duties ought to be repealed, but a question, as to the protected articles, between prohibition on one side and the duties established by the act of 1828 on the other. But a single remark will be sufficient in reply to, what I must consider, the invidious remark of the Senator from Virginia (Mr. Rives). The act of 1832, which has not yet gone into operation, and which was passed but a few months since, was declared by the supporters of the system to be a *permanent* adjustment, and the bill proposed by the Treasury Department, not essentially different from the act itself, was in like manner declared to be intended by the administration as a permanent arrangement. What has occurred since, except this ordinance, and these abused acts of the calumniated State, to produce this mighty revolution in reference to this odious system? Unless the Senator from Virginia can assign some other cause, he is bound, upon every principle of fairness, to retract this unjust aspersion upon the acts of South Carolina.

The Senator from Delaware (Mr. Clayton), as well as others, has relied with great emphasis on the fact that we are citizens of the United States. I do not object to the expression, nor shall I detract from the proud and elevated feelings with which it is associated; but I trust that I may be permitted to raise the inquiry, In what manner are we citizens of the United States? without weakening the patriotic feeling with which, I trust, it will ever be uttered. If by citizen of the United States he means a citizen at large, one whose citizenship extends to the entire geographical limits of the country, without having a local citizenship in some State or territory, a sort of citizen of the world, all I have to say is, that such a citizen would be a perfect nondescript; that not a single individual of this de-

scription can be found in the entire mass of our population. Notwithstanding all the pomp and display of eloquence on the occasion, every citizen is a citizen of some State or territory, and, as such, under an express provision of the constitution, is entitled to all privileges and immunities of citizens in the several States; and it is in this, and in no other sense, that we are citizens of the United States. The Senator from Pennsylvania (Mr. Dallas), indeed, relies upon that provision in the constitution which gives Congress the power to establish an uniform rule of naturalization; and the operation of the rule actually established under this authority, to prove that naturalized citizens are citizens at large, without being citizens of any of the States. I do not deem it necessary to examine the law of Congress upon this subject, or to reply to the argument of the Senator, though I cannot doubt that he (Mr. D.) has taken an entirely erroneous view of the subject. It is sufficient that the power of Congress extends simply to the establishment of a uniform rule by which foreigners may be naturalized in the several States or territories, without infringing, in any other respect, in reference to naturalization, the rights of the States as they existed before the adoption of the constitution.

Having supplied the omissions of yesterday, I now resume the subject at the point where my remarks then terminated. The Senate will remember that I stated, at their close, that the great question at issue is, whether ours is a federal or a consolidated system of government; a system in which the parts, to use the emphatic language of Mr. Palgrave, are the integers, and the whole the multiple, or in which the whole is an unit and the parts the fractions. I stated, that on the decision of this question, I believed, depended not only the liberty and prosperity of this country, but the place which we are destined to hold in the intellectual and moral scale of nations. I stated, also, in my remarks on this point, that there is a striking analogy between this

and the great struggle between Persia and Greece, which was decided by the battles of Marathon, Platea, and Salamis, and which immortalized the names of Miltiades and Themistocles. I illustrated this analogy by showing that centralism or consolidation, with the exception of a few nations along the eastern borders of the Mediterranean, has been the pervading principle in the Asiatic governments, while the federal system, or, what is the same in principle, that system which organizes a community in reference to its parts, has prevailed in Europe.

Among the few exceptions in the Asiatic nations, the government of the twelve tribes of Israel, in its early period, is the most striking. Their government, at first, was a mere confederation without any central power, till a military chieftain, with the title of king, was placed at its head, without, however, merging the original organization of the twelve distinct tribes. This was the commencement of that central action among that peculiar people which, in three generations, terminated in a permanent division of their tribes. It is impossible even for a careless reader to peruse the history of that event without being forcibly struck with the analogy in the causes which led to their separation, and those which now threaten us with a similar calamity. With the establishment of the central power in the king commenced a system of taxation, which, under King Solomon, was greatly increased, to defray the expenses of rearing the temple, of enlarging and embellishing Jerusalem, the seat of the central government, and the other profuse expenditures of his magnificent reign. Increased taxation was followed by its natural consequences—discontent and complaint, which, before his death, began to excite resistance. On the succession of his son, Rehoboam, the ten tribes, headed by Jeroboam, demanded a reduction of the taxes; the temple being finished, and the embellishment of Jerusalem completed, and the money which had been raised for that purpose being no longer re-

quired, or, in other words, the debt being paid, they demanded a reduction of the duties—a repeal of the tariff. The demand was taken under consideration, and after consulting the old men, the counsellors of '98, who advised a reduction, he then took the opinion of the younger politicians, who had since grown up, and knew not the doctrines of their fathers; he hearkened unto their counsel, and refused to make the reduction, and the secession of the ten tribes under Jeroboam followed. The tribes of Judah and Benjamin, which had received the disbursements, alone remained to the house of David.

But to return to the point immediately under consideration. I know that it is not only the opinion of a large majority of our country, but it may be said to be the opinion of the age, that the very beau ideal of a perfect government is the government of a majority, acting through a representative body, without check or limitation on its power; yet, if we may test this theory by experience and reason, we shall find that, so far from being perfect, the necessary tendency of all governments, based upon the will of an absolute majority, without constitutional check or limitation of power, is to faction, corruption, anarchy, and despotism; and this, whether the will of the majority be expressed directly through an assembly of the people themselves, or by their representatives. I know that, in venturing this assertion, I utter what is unpopular both within and without these walls; but where truth and liberty are concerned, such considerations should not be regarded. I will place the decision of this point on the fact that no government of the kind, among the many attempts which have been made, has ever endured for a single generation, but, on the contrary has invariably experienced the fate which I have assigned to it. Let a single instance be pointed out, and I will surrender my opinion. But, if we had not the aid of experience to direct our judgment, reason itself would be a certain guide. The

view which considers the community as an unit, and all its parts as having a similar interest, is radically erroneous. However small the community may be, and however homogeneous its interests, the moment that government is put into operation—as soon as it begins to collect taxes and to make appropriations, the different portions of the community must, of necessity, bear different and opposing relations in reference to the action of the government. There must inevitably spring up two interests—a direction and a stockholder interest—an interest profiting by the action of the government, and interested in increasing its powers and action ; and another, at whose expense the political machine is kept in motion. I know how difficult it is to communicate distinct ideas on such a subject, through the medium of general propositions, without particular illustration ; and in order that I may be distinctly understood, though at the hazard of being tedious, I will illustrate the important principle which I have ventured to advance, by examples.

Let us, then, suppose a small community of five persons, separated from the rest of the world ; and, to make the example strong, let us suppose them all to be engaged in the same pursuit, and to be of equal wealth. Let us further suppose that they determine to govern the community by the will of a majority ; and, to make the case as strong as possible, let us suppose that the majority, in order to meet the expenses of the government, lay an equal tax, say of one hundred dollars on each individual of this little community. Their treasury would contain five hundred dollars. Three are a majority ; and they, by supposition, have contributed three hundred as their portion, and the other two (the minority), two hundred. The three have the right to make the appropriations as they may think proper. The question is, How would the principle of the absolute and unchecked majority operate, under these circumstances, in this little community ? If the three be governed by a sense of justice—if

they should appropriate the money to the objects for which it was raised, the common and equal benefit of the five, then the object of the association would be fairly and honestly effected, and each would have a common interest in the government. But, should the majority pursue an opposite course—should they appropriate the money in a manner to benefit their own particular interest, without regard to the interest of the two (and that they will so act, unless there be some efficient check, he who best knows human nature will least doubt), who does not see that the three and the two would have directly opposite interests in reference to the action of the government? The three who contribute to the common treasury but three hundred dollars, could, in fact, by appropriating the five hundred to their own use, convert the action of the government into the means of making money, and, of consequence, would have a direct interest in increasing the taxes. They put in three hundred and take out five; that is, they take back to themselves all that they put in, and, in addition, that which was put in by their associates; or, in other words, taking taxation and appropriation together, they have gained, and their associates have lost, two hundred dollars by the fiscal action of the government. Opposite interests, in reference to the action of the government, are thus created between them: the one having an interest in favor, and the other against the taxes; the one to increase, and the other to decrease the taxes; the one to retain the taxes when the money is no longer wanted, and the other to repeal them when the objects for which they were levied have been secured.

Let us now suppose this community of five to be raised to twenty-four individuals, to be governed, in like manner, by the will of a majority: it is obvious that the same principle would divide them into two interests—into a majority and a minority, thirteen against eleven, or in some other proportion; and that all the consequences which I have shown to

be applicable to the small community of five would be applicable to the greater, the cause not depending upon the number, but resulting necessarily from the action of the government itself. Let us now suppose that, instead of governing themselves directly in an assembly of the whole, without the intervention of agents, they should adopt the representative principle ; and that, instead of being governed by a majority of themselves, they should be governed by a majority of their representatives. It is obvious that the operation of the system would not be affected by the change : the representatives being responsible to those who chose them, would conform to the will of their constituents, and would act as they would do were they present and acting for themselves ; and the same conflict of interest, which we have shown would exist in one case, would equally exist in the other. In either case, the inevitable result would be a system of hostile legislation on the part of the majority, or the stronger interest, against the minority, or the weaker interest ; the object of which, on the part of the former, would be to exact as much as possible from the latter, which would necessarily be resisted by all the means in their power. Warfare, by legislation, would thus be commenced between the parties, with the same object, and not less hostile than that which is carried on between distinct and rival nations—the only distinction would be in the instruments and the mode. Enactments, in the one case, would supply what could only be effected by arms in the other ; and the inevitable operation would be to engender the most hostile feelings between the parties, which would merge every feeling of patriotism—that feeling which embraces the whole—and substitute in its place the most violent party attachment ; and instead of having one common centre of attachment, around which the affections of the community might rally, there would in fact be two— the interests of the majority, to which those who constitute that majority would be more attached than they

would be to the whole,—and that of the minority, to which they, in like manner, would also be more attached than to the interests of the whole. Faction would thus take the place of patriotism; and, with the loss of patriotism, corruption must necessarily follow, and in its train, anarchy, and, finally, despotism, or the establishment of absolute power in a single individual, as a means of arresting the conflict of hostile interests; on the principle that it is better to submit to the will of a single individual, who by being made lord and master of the whole community, would have an equal interest in the protection of all the parts.

Let us next suppose that, in order to avert the calamitous train of consequences, this little community should adopt a written constitution, with limitations restricting the will of the majority, in order to protect the minority against the oppression which I have shown would necessarily result without such restrictions. It is obvious that the case would not be in the slightest degree varied, if the majority be left in possession of the right of judging exclusively of the extent of its powers, without any right on the part of the minority to enforce the restrictions imposed by the constitution on the will of the majority. The point is almost too clear for illustration. Nothing can be more certain than that, when a constitution grants power, and imposes limitations on the exercise of that power, whatever interests may obtain possession of the government, will be in favor of extending the power at the expense of the limitation; and that, unless those in whose behalf the limitations were imposed have, in some form or mode, the right of enforcing them, the power will ultimately supersede the limitation, and the government must operate precisely in the same manner as if the will of the majority governed without constitution or limitation of power.

I have thus presented all possible modes in which a government founded upon the will of an absolute majority will

be modified ; and have demonstrated that, in all its forms, whether in a majority of the people, as in a mere Democracy, or in a majority of their representatives, without a constitution or with a constitution, to be interpreted as the will of the majority, the result will be the same : two hostile interests will inevitably be created by the action of the government, to be followed by hostile legislation, and that by faction, corruption, anarchy, and despotism.

The great and solemn question here presents itself, Is there any remedy for these evils? on the decision of which depends the question, whether the people can govern themselves, which has been so often asked with so much skepticism and doubt. There is a remedy, and but one,—the effect of which, whatever may be the form, is to organize society in reference to this conflict of interests, which springs out of the action of government ; and which can only be done by giving to each part the right of self-protection ; which, in a word, instead of considering the community of twenty-four a single community, having a common interest, and to be governed by the single will of an entire majority, shall upon all questions tending to bring the parts into conflict, the thirteen against the eleven, take the will, not of the twenty-four as a unit, but of the thirteen and of the eleven separately,—the majority of each governing the parts, and where they concur, governing the whole,—and where they disagree, arresting the action of the government. This I will call the concurring, as distinct from the absolute majority. In either way the number would be the same, whether taken as the absolute or as the concurring majority. Thus, the majority of the thirteen is seven, and of the eleven six ; and the two together make thirteen, which is the majority of twenty-four. But, though the number is the same, the mode of counting is essentially different : the one representing the strongest interest, and the other, the entire interests of the community. The first mistake is, in supposing that the government of

the absolute majority is the government of the people—that beau ideal of a perfect government which has been so enthusiastically entertained in every age by the generous and patrotic, where civilization and liberty have made the smallest progress. There can be no greater error: the government of the people is the government of the whole community—of the twenty-four—the self-government of all the parts—too perfect to be reduced to practice in the present, or any past stage of human society. The government of the absolute majority, instead of being the government of the people, is but the government of the strongest interests, and, when not efficiently checked, is the most tyrannical and oppressive that can be devised. Between this ideal perfection on the one side, and despotism on the other, no other system can be devised but that which considers society in reference to its parts, as differently affected by the action of the government, and which takes the sense of each part separately, and thereby the sense of the whole, in the manner already illustrated.

These principles, as I have already stated, are not affected by the number of which the community may be composed, but are just as applicable to one of thirteen millions—the number which composes ours—as of the small community of twenty-four, which I have supposed for the purpose of illustration; and are not less applicable to the twenty-four States united in one community, than to the case of the twenty-four individuals. There is, indeed, a distinction between a large and a small community, not affecting the principle, but the violence of the action. In the former, the similarity of the interests of all the parts will limit the oppression from the hostile action of the parts, in a great degree, to the fiscal action of the government merely; but in the large community, spreading over a country of great extent, and having a great diversity of interests, with different kinds of labor, capital, and production, the conflict and oppression will extend, not only to a monopoly of the appropri-

ations on the part of the stronger interests, but will end in unequal taxes, and a general conflict between the entire interests of conflicting sections, which, if not arrested by the most powerful checks, will terminate in the most oppressive tyranny that can be conceived, or in the destruction of the community itself.

If we turn our attention from these supposed cases, and direct it to our government and its actual operation, we shall find a practical confirmation of the truth of what has been stated, not only of the oppressive operation of the system of an absolute majority, but also a striking and beautiful illustration, in the formation of our system, of the principle of the concurring majority, as distinct from the absolute, which I have asserted to be the only means of efficiently checking the abuse of power, and, of course, the only solid foundation of constitutional liberty. That our government, for many years, has been gradually verging to consolidation; that the constitution has gradually become a dead letter; and that all restrictions upon the power of government have been virtually removed, so as practically to convert the General Government into a government of an absolute majority, without check or limitation, cannot be denied by any one who has impartially observed its operation.

It is not necessary to trace the commencement and gradual progress of the causes which have produced this change in our system; it is sufficient to state that the change has taken place within the last few years. What has been the result? Precisely that which might have been anticipated: the growth of faction, corruption, anarchy, and, if not despotism itself, its near approach, as witnessed in the provisions of this bill. And from what have these consequences sprung? We have been involved in no war. We have been at peace with all the world. We have been visited with no national calamity. Our people have been advancing in general intelligence, and, I will add, as great and alarm-

ing as has been the advance of political corruption among the mercenary corps who look to Government for support, the morals and virtue of the community at large have been advancing in improvement. What, I again repeat, is the cause? No other can be assigned but a departure from the fundamental principles of the constitution, which has converted the Government into the will of an absolute and irresponsible majority, and which, by the laws that must inevitably govern in all such majorities, has placed in conflict the great interests of the country, by a system of hostile legislation, by an oppressive and unequal imposition of taxes, by unequal and profuse appropriations, and by rendering the entire labor and capital of the weaker interest subordinate to the stronger.

This is the cause, and these the fruits, which have converted the Government into a mere instrument of taking money from one portion of the community, to be given to another; and which has rallied around it a great, a powerful, and mercenary corps of office-holders, office-seekers, and expectants, destitute of principle and patriotism, and who have no standard of morals or politics but the will of the Executive—the will of him who has the distribution of the loaves and the fishes. I hold it impossible for any one to look at the theoretical illustration of the principle of the absolute majority in the cases which I have supposed, and not be struck with the practical illustration in the actual operation of our Government. Under every circumstance, the absolute majority will ever have its American system (I mean nothing offensive to any Senator); but the real meaning of the American system is, that system of plunder which the strongest interest has ever waged, and will ever wage, against the weaker, where the latter is not armed with some efficient and constitutional check to arrest its action. Nothing but such check on the part of the weaker interest can arrest it: mere constitutional limitations are wholly insufficient. What-

ever interest obtains possession of the Government, will, from the nature of things, be in favor of the powers, and against the limitations imposed by the constitution, and will resort to every device that can be imagined to remove those restraints. On the contrary, the opposite interest, that which I have designated as the stockholding interest, the tax-payers, those on whom the system operates, will resist the abuse of powers, and contend for the limitations. And it is on this point, then, that the contest between the delegated and the reserved powers will be waged ; but in this contest, as the interests in possession of the Government are organized and armed by all its powers and patronage, the opposite interest, if not in like manner organized and possessed of a power to protect themselves under the provisions of the constitution, will be as inevitably crushed as would be a band of unorganized militia when opposed by a veteran and trained corps of regulars. Let it never be forgotten, that power can only be opposed by power, organization by organization ; and on this theory stands our beautiful federal system of Government. No free system was ever further removed from the principle that the absolute majority, without check or limitation, ought to govern. To understand what our Government is, we must look to the constitution, which is the basis of the system. I do not intend to enter into any minute examination of the origin and the source of its powers : it is sufficient for my purpose to state, what I do fearlessly, that it derived its power from the people of the separate States, each ratifying by itself, each binding itself by its own separate majority, through its separate convention,—the concurrence of the majorities of the several States forming the constitution ;—thus taking the sense of the whole by that of the several parts, representing the various interests of the entire community. It was this concurring and perfect majority which formed the constitution, and not that majority which would consider the American people as a single community, and which, instead

of representing fairly and fully the interests of the whole, would but represent, as has been stated, the interests of the stronger section. No candid man can dispute that I have given a correct description of the constitution-making power: that power which created and organized the Government, which delegated to it, as a common agent, certain powers, in trust for the common good of all the States, and which imposed strict limitations and checks against abuses and usurpations. In administering the delegated powers, the constitution provides, very properly, in order to give promptitude and efficiency, that the Government shall be organized upon the principle of the absolute majority, or, rather, of two absolute majorities combined: a majority of the States considered as bodies politic, which prevails in this body; and a majority of the people of the States, estimated in federal numbers, in the other House of Congress. A combination of the two prevails in the choice of the President, and, of course, in the appointment of Judges, they being nominated by the President and confirmed by the Senate. It is thus that the concurring and the absolute majorities are combined in one complex system: the one in forming the constitution, and the other in making and executing the laws; thus beautifully blending the moderation, justice, and equity of the former, and more perfect majority, with the promptness and energy of the latter, but less perfect.

To maintain the ascendency of the constitution over the law-making majority is the great and essential point, on which the success of the system must depend. Unless that ascendency can be preserved, the necessary consequence must be, that the laws will supersede the constitution; and, finally, the will of the Executive, by the influence of his patronage, will supersede the laws—indications of which are already perceptible. This ascendency can only be preserved through the action of the States as organized bodies, having their own separate governments, and possessed of the right,

under the structure of our system, of judging of the extent of their separate powers, and of interposing their authority to arrest the unauthorized enactments of the General Government within their respective limits. I will not enter, at this time, into the discussion of this important point, as it has been ably and fully presented by the Senator from Kentucky (Mr. Bibb), and others who preceded him in this debate on the same side, whose arguments not only remain unanswered, but are unanswerable. It is only by this power of interposition that the reserved rights of the States can be peacefully and efficiently protected against the encroachments of the General Government—that the limitations imposed upon its authority can be enforced, and its movements confined to the orbit allotted to it by the constitution.

It has, indeed, been said in debate, that this can be effected by the organization of the General Government itself, particularly by the action of this body, which represents the States—and that the States themselves must look to the General Government for the perservation of many of the most important of their reserved rights. I do not underrate the value to be attached to the organic arrangement of the General Government, and the wise distribution of its powers between the several departments, and, in particular, the structure and the important functions of this body; but to suppose that the Senate, or any department of this Government, was intended to be the only guardian of the reserved rights, is a great and fundamental mistake. The Government, through all its departments, represents the delegated, and not the reserved powers; and it is a violation of the fundamental principle of free institutions to suppose that any but the responsible representative of any interest can be its guardian. The distribution of the powers of the General Government, and its organization, were arranged to prevent the abuse of power in fulfilling the

important trusts confided to it, and not, as preposterously supposed, to protect the reserved powers, which are confided wholly to the guardianship of the several States.

Against the view of our system which I have presented, and the right of the States to interpose, it is objected that it would lead to anarchy and dissolution. I consider the objection as without the slightest foundation; and that, so far from tending to weakness or disunion, it is the source of the highest power and of the strongest cement. Nor is its tendency in this respect difficult of explanation. The government of an absolute majority, unchecked by efficient constitutional restraints, though apparently strong, is, in reality, an exceedingly feeble government. That tendency to conflict between the parts, which I have shown to be inevitable in such governments, wastes the powers of the state in the hostile action of contending factions, which leaves very little more power than the excess of the strength of the majority over the minority. But a government based upon the principle of the concurring majority, where each great interest possesses within itself the means of self-protection, which ultimately requires the mutual consent of all the parts, necessarily causes that unanimity in council, and ardent attachment of all the parts to the whole, which give an irresistible energy to a government so constituted. I might appeal to history for the truth of these remarks, of which the Roman furnishes the most familiar and striking proofs. It is a well-known fact, that, from the expulsion of the Tarquins to the time of the establishment of the tribunitian power, the government fell into a state of the greatest disorder and distraction, and, I may add, corruption. How did this happen? The explanation will throw important light on the subject under consideration. The community was divided into two parts—the Patricians and the Plebeians; with the power of the state principally in the hands of the former, without adequate checks to protect

the rights of the latter. The result was as might be expected. The patricians converted the powers of the government into the means of making money, to enrich themselves and their dependants. They, in a word, had their American system, growing out of the peculiar character of the government and condition of the country. This requires explanation. At that period, according to the laws of nations, when one nation conquered another, the lands of the vanquished belonged to the victor ; and, according to the Roman law, the lands thus acquired were divided into two parts—one allotted to the poorer class of the people, and the other assigned to the use of the treasury,—of which the patricians had the distribution and administration. The patricians abused their power by withholding from the plebeians that which ought to have been allotted to them, and by converting to their own use that which ought to have gone to the treasury. In a word, they took to themselves the entire spoils of victory,—and had thus the most powerful motive to keep the state perpetually involved in war, to the utter impoverishment and oppression of the plebeians. After resisting the abuse of power by all peaceable means, and the oppression becoming intolerable, the plebeians, at last, withdrew from the city—they, in a word, seceded ; and to induce them to reunite, the patricians conceded to them, as the means of protecting their separate interests, the very power, which I contend is necessary to protect the rights of the States, but which is now represented as necessarily leading to disunion. They granted to them the right of choosing three tribunes from among themselves, whose persons should be sacred, and who should have the right of interposing their veto, not only against the passage of laws, but even against their execution—a power which those, who take a shallow insight into human nature, would pronounce inconsistent with the strength and unity of the state, if not utterly impracticable ; yet so far from this being the effect,

from that day the genius of Rome became ascendant, and victory followed her steps till she had established an almost universal dominion. How can a result so contrary to all anticipation be explained ? The explanation appears to me to be simple. No measure or movement could be adopted without the concurring assent of both the patricians and plebeians, and each thus became dependent on the other ; and, of consequence, the desire and objects of neither could be effected without the concurrence of the other. To obtain this concurrence, each was compelled to consult the good-will of the other, and to elevate to office, not those only who might have the confidence of the order to which they belonged, but also that of the other. The result was, that men possessing those qualities which would naturally command confidence—moderation, wisdom, justice, and patriotism—were elevated to office ; and the weight of their authority and the prudence of their counsel, combined with that spirit of unanimity necessarily resulting from the concurring assent of the two orders, furnish the real explanation of the power of the Roman State, and of that extraordinary wisdom, moderation, and firmness which in so remarkable a degree characterized her public men. I might illustrate the truth of the position which I have laid down by a reference to the history of all free states ancient and modern, distinguished for their power and patriotism, and conclusively show, not only that there was not one which had not some contrivance, under some form, by which the concurring assent of the different portions of the community was made necessary in the action of government, but also that the virtue, patriotism, and strength of the state were in direct proportion to the perfection of the means of securing such assent.

In estimating the operation of this principle in our system, which depends, as I have stated, on the right of interposition on the part of a State, we must not omit to

take into consideration the amending power, by which new powers may be granted, or any derangement of the system corrected, by the concurring assent of three-fourths of the States; and thus, in the same degree, strengthening the power of repairing any derangement occasioned by the eccentric action of a State. In fact, the power of interposition, fairly understood, may be considered in the light of an appeal against the usurpations of the General Government, the joint agent of all the States, to the States themselves,—to be decided under the amending power, by the voice of three-fourths of the States, as the highest power known under the system. I know the difficulty, in our country, of establishing the truth of the principle for which I contend, though resting upon the clearest reason, and tested by the universal experience of free nations. I know that the governments of the several States, which, for the most part, are constructed on the principle of the absolute majority, will be cited as an argument against the conclusion to which I have arrived; but, in my opinion, the satisfactory answer can be given,—that the objects of expenditure which fall within the sphere of a State Government are few and inconsiderable, so that be their action ever so irregular, it can occasion but little derangement. If, instead of being members of this great confederacy, they formed distinct communities, and were compelled to raise armies, and incur other expenses necessary to their defence, the laws which I have laid down as necessarily controlling the action of a State where the will of an absolute and unchecked majority prevailed, would speedily disclose themselves in faction, anarchy, and corruption. Even as the case is, the operation of the causes to which I have referred is perceptible in some of the larger and more populous members of the Union, whose governments have a powerful central action, and which already show a strong moneyed tendency, the invariable forerunner of corruption and convulsion.

But, to return to the General Government. We have now sufficient experience to ascertain that the tendency to conflict in its action is between the southern and other sections. The latter having a decided majority, must habitually be possessed of the powers of the Government, both in this and in the other House; and, being governed by that instinctive love of power so natural to the human breast, they must become the advocates of the power of Government, and in the same degree opposed to the limitations; while the other and weaker section is as necessarily thrown on the side of the limitations. One section is the natural guardian of the delegated powers, and the other of the reserved; and the struggle on the side of the former will be to enlarge the powers, while that on the opposite side will be to restrain them within their constitutional limits. The contest will, in fact, be a contest between power and liberty, and such I consider the present—a contest in which the weaker section, with its peculiar labor, productions, and institutions, has at stake all that can be dear to freemen. Should we be able to maintain in their full vigor our reserved rights, liberty and prosperity will be our portion; but if we yield, and permit the stronger interest to concentrate within itself all the powers of the Government, then will our fate be more wretched than that of the aborigines whom we have expelled. In this great struggle between the delegated and reserved powers, so far from repining that my lot, and that of those whom I represent, is cast on the side of the latter, I rejoice that such is the fact; for, though we participate in but few of the advantages of the Government, we are compensated, and more than compensated, in not being so much exposed to its corruptions. Nor do I repine that the duty, so difficult to be discharged, of defending the reserved powers against apparently such fearful odds, has been assigned to us. To discharge it successfully requires the highest qualities, moral and intellectual; and should we perform it with a

zeal and ability proportioned to its magnitude, instead of mere planters, our section will become distinguished for its patriots and statesmen. But, on the other hand, if we prove unworthy of the trust—if we yield to the steady encroachments of power, the severest calamity and most debasing corruption will overspread the land. Every Southern man, true to the interests of his section, and faithful to the duties which Providence has allotted him, will be for ever excluded from the honors and emoluments of this Government, which will be reserved for those only who have qualified themselves, by political prostitution, for admission into the *Magdalen* Asylum.

SPEECH

In reply to Mr. Webster, on the Resolutions respecting the Rights of the States, delivered in the Senate, Feb. 26th, 1833.

[The following resolutions, submitted by Mr. Calhoun, came up for consideration, viz.:

"*Resolved*, That the people of the several States composing these United States are united as parties to a constitutional compact, to which the people of each State acceded as a separate and sovereign community, each binding itself by its own particular ratification; and that the Union, of which the said compact is the bond, is a union *between the States* ratifying the same.

"*Resolved*, That the people of the several States thus united by the constitutional compact, in forming that instrument, and in creating a General Government to carry into effect the objects for which it was formed, delegated to that Government, for that purpose, certain definite powers, to be exercised jointly, reserving, at the same time, each State to itself, the residuary mass of powers, to be exercised by its own sep-

arate government; and that, whenever the General Government assumes the exercise of powers not delegated by the compact, its acts are unauthorized, void, and of no effect; and that the said Government is not made the final judge of the powers delegated to it, since that would make its discretion, and not the constitution, the measure of its powers; but that, as in all other cases of compact among sovereign parties, without any common judge, each has an equal right to judge for itself, as well of the infraction, as of the mode and measure of redress.

"*Resolved*, That the assertions that the people of these United States, taken collectively as individuals, are now, or ever have been, united on the principle of the social compact, and, as such, are now formed into one nation or people, or that they have ever been so united, in any one stage of their political existence; that the people of the several States composing the Union have not, as members thereof, retained their sovereignty; that the allegiance of their citizens has been transferred to the General Government; that they have parted with the right of punishing treason through their respective State Governments; and that they have not the right of judging, in the last resort, as to the extent of powers reserved, and, of consequence, of those delegated, are not only without foundation in truth, but are contrary to the most certain and plain historical facts, and the clearest deductions of reason; and that all exercise of power on the part of the General Government, or any of its departments, deriving authority from such erroneous assumptions, must of necessity be unconstitutional—must tend directly and inevitably to subvert the sovereignty of the States—to destroy the federal character of the Union, and to rear on its ruins a consolidated government, without constitutional check or limitation, which must necessarily terminate in the loss of liberty itself."

Which being read, Mr. Calhoun said:]

When the bill with which the resolutions are connected was under discussion, the Senator from Massachusetts (Mr Webster) thought proper to give his remarks a personal bearing in reference to myself. I had said nothing to justify this course on the part of that gentleman. I had, it is true, denounced the bill in strong language, but not stronger than

the rules which govern parliamentary proceedings permit; nor stronger than the character of the bill, and its bearing on the State which it is my honor to represent, justified. I am at a loss to understand what motive governed the Senator in giving a personal character to his remarks. If he intended any thing unkind—(here Mr. Webster said, audibly, Certainly not; and Mr. C. replied, I will not, then, say what I intended, if such had been his motive)—but still I must be permitted to ask, If he intended nothing unkind, what was the object of the Senator? Did he design to strengthen a cause which he feels to be weak, by giving the discussion a personal direction? If such was his motive, his experience as a debater ought to have taught him that it was one of those weak devices which seldom fail to react on those who resort to them. If his motive was to acquire popularity by attacking one who had voluntarily, and from a sense of duty —from a deep conviction that liberty and the constitution were at stake—had identified himself with an unpopular question, I would say to him that a true sense of dignity would have impelled him in an opposite direction. Among the possible motives which might have influenced him, there is another, to the imputation of which he is exposed, but which, certainly, I will not attribute to him—a desire to propitiate in a certain high quarter—a quarter in which he must know that no offering could be more acceptable than the immolation of the character of him who now addresses you. But whatever may have been the motive of the Senator, I can assure him that I will not follow his example. I never had any inclination to gladiatorial exhibitions in the halls of legislation, and if I now had, I certainly would not indulge them on so solemn a question—a question which, in the opinion of the Senator from Massachusetts, as expressed in debate, involves the union of these States—and in mine, the liberty and the constitution of the country. Before, however, I conclude these prefatory observations, I must allude

to the remark which the Senator made at the termination of the argument of my friend from Mississippi (Mr. Poindexter). I understood the Senator to say that, if I chose to put at issue his character for consistency, he stood prepared to vindicate his course. I assure the Senator that I have no idea of calling in question his consistency, or that of any other member of this body. It is a subject in which I feel no concern. But if I am to understand the remark of the Senator as intended, indirectly, as a challenge to put in issue the consistency of my course as compared with his own, I have to say that, though I do not accept it, yet, if he should think proper to make a trial of character on that or any other point connected with our public conduct, and will select a suitable occasion, I stand prepared to vindicate my course, as compared with his, or that of any other member of this body, for consistency of conduct, purity of motive, and devoted attachment to the country and its institutions.

Having made these remarks, which have been forced upon me, I shall now proceed directly to the subject before the Senate; and, in order that it may, with all its bearings, be fully understood, I must go back to the period at which I introduced the resolutions. They were introduced in connection with the bill which has passed this House, and is now pending before the other. That bill was couched in general terms, without naming South Carolina, or any other State, though it was understood, and avowed by the committee, as intended to act directly on her.

Believing that the Government had no right to use force in the controversy, and that the attempt to introduce it rested upon principles utterly subversive of the constitution and the sovereignty of the States, I drew up the resolutions, and introduced them expressly with the view to test those principles, with a desire that they should be discussed and voted on before the bill came up for consideration. The majority ordered otherwise. The resolutions were laid on

the table, and the bill taken up for discussion. Under this arrangement, which, it was understood, originated with the committee that reported the bill, I, of course, concluded that its members would proceed in the discussion, and explain the principles and the necessity for the bill, before the other Senators would enter into the discussion, and particularly those from South Carolina. Understanding, however, that, by the arrangement of the committee, it was allotted to the Senator from Tennessee to close the discussion on the bill, I waited to the last moment, in expectation of hearing from the Senator from Massachusetts. He is a member of the committee. But, not hearing from him, I rose to speak to the bill, and, as soon as I had concluded, the Senator from Massachusetts arose—I will not say to reply to me—and certainly not to discuss the bill, but the resolutions, which had been laid on the table, as I have stated. I do not state these facts in the way of complaint, but in order to explain my own course. The Senator having directed his argument against my resolutions, I felt myself compelled to seize the first opportunity to call them up from the table, and to assign a day for their discussion, in the hope not only that the Senate would hear me in their vindication, but would also afford me an opportunity of taking the sense of this body on the great principles on which they are based.

The Senator from Massachusetts, in his argument against the resolutions, directed his attack almost exclusively against the first ; on the ground, I suppose, that it was the basis of the other two, and that, unless the first could be demolished, the others would follow of course. In this he was right. As plain and as simple as the facts contained in the first are, they cannot be admitted to be true without admitting the doctrines for which I, and the State I represent, contend. He (Mr. W.) commenced his attack with a verbal criticism on the resolution, in the course of which he objected strongly to two words, "constitutional" and "accede." To the former,

on the ground that the word, as used (constitutional compact), was obscure—that it conveyed no definite meaning—and that the constitution was a noun-substantive, and not an adjective. I regret that I have exposed myself to the criticism of the Senator. I certainly did not intend to use any expression of doubtful sense, and if I have done so, the Senator must attribute it to the poverty of my language, and not to design. I trust, however, that the Senator will excuse me, when he comes to hear my apology. In matters of criticism, authority is of the highest importance, and I have an authority of so high a character, in this case, for using the expression which he considers so obscure and so unconstitutional, as will justify me even in his eyes. It is no less than the authority of the Senator himself—given on a solemn occasion (the discussion on Mr. Foote's resolution), and doubtless with great deliberation, after having duly weighed the force of the expression.

[Here Mr. C. read from Mr. Webster's speech, in reply to Mr. Hayne, in the Senate of the United States, delivered January 26, 1830, as follows:]

"The domestic slavery of the South I leave where I find it—in the hands of their own governments. It is their affair, not mine. Nor do I complain of the peculiar effect which the magnitude of that population has had in the distribution of power under the Federal Government. We know, Sir, that the representation of the States in the other House is not equal. We know that great advantage, in that respect, is enjoyed by the slaveholding States; and we know, too, that the intended equivalent for that advantage, that is to say, the imposition of direct taxes in the same ratio, has become merely nominal: the habit of the Government being almost invariably to collect its revenues from other sources and in other modes. Nevertheless, I do not complain, nor would I countenance any movement to alter this arrangement of representation. It is the original bargain—the compact—let it stand; let the advantage of it be fully enjoyed. The Union itself is too full of benefits to be hazarded in propositions for changing its original basis. I go for the constitution as it is, and for the Union as it is. But I am resolved not to submit in silence to accusations, either against myself individually, or against the North.

wholly unfounded and unjust—accusations which impute to us a disposition to evade the CONSTITUTIONAL COMPACT, and to extend the power of the Government over the internal laws and domestic condition of the States."

It will be seen, by this extract, that the Senator not only used the phrase "constitutional compact," which he now so much condemns, but, what is still more important, he calls the constitution itself a compact—a bargain; which contains important admissions, having a direct and powerful bearing on the main issue involved in the discussion, as will appear in the sequel. But, strong as his objection is to the word "constitutional," it is still stronger to the word "accede," which, he thinks, has been introduced into the resolution with some deep design, as I suppose, to entrap the Senate into an admission of the doctrine of State Rights. Here, again, I must shelter myself under authority. But I suspect the Senator, by a sort of instinct (for our instincts often strangely run before our knowledge), had a prescience, which would account for his aversion for the word, that this authority was no less than Thomas Jefferson himself, the great apostle of the doctrines of State Rights. The word was borrowed from him. It was taken from the Kentucky Resolution, as well as the substance of the resolution itself. But I trust I may neutralize whatever aversion the authorship of this word may have excited in the mind of the Senator, by the introduction of another authority—that of Washington himself, who, in his speech to Congress, speaking of the admission of North Carolina into the Union, uses this very term, which was repeated by the Senate in their reply. Yet, in order to narrow the ground between the Senator and myself as much as possible, I will accommodate myself to his strange antipathy against the two unfortunate words, by striking them out of the resolution, and substituting in their place those very words which the Senator himself has designated as constitutional phrases. In the place

of that abhorred adjective "constitutional," I will insert the very noun-substantive "constitution;" and in the place of the word "accede," I will insert the word "ratify," which he designates as the proper term to be used.

Let us now see how the resolution stands, and how it will read after these amendments. Here Mr. C. said the resolution, as introduced, reads:

Resolved, That the people of the several States composing these United States are united as parties to a constitutional compact, to which the people of each State acceded as a separate and sovereign community, each binding itself by its own particular ratification; and that the Union, of which the said compact is a bond, is a union *between the States* ratifying the same.

As proposed to be amended:

Resolved, That the people of the several States composing these United States are united as parties to a compact, under the title of the Constitution of the United States, which the people of each State ratified as a separate and sovereign community, each binding itself by its own particular ratification; and that the Union of which the said compact is the bond, is a union *between* the States ratifying the same.

Where, Sir, I ask, is that plain case of revolution? Where that hiatus, as wide as the globe, between the premises and conclusion, which the Senator proclaimed would be apparent if the resolution was reduced into constitutional language? For my part, with my poor powers of conception, I cannot perceive the slightest difference between the resolution as first introduced, and as it is proposed to be amended in conformity to the views of the Senator. And, instead of that hiatus between the premises and conclusion, which seems to startle the imagination of the Senator, I can perceive nothing but a continuous and solid surface, sufficient to sustain the magnificent superstructure of State Rights. Indeed, it seems to me that the Senator's vision is distorted

by the medium through which he views every thing connected with the subject; and that the same distortion which has presented to his imagination this hiatus, as wide as the globe, where not even a fissure exists, also presented that beautiful and classical image of a strong man struggling in a bog without the power of extricating himself, and incapable of being aided by any friendly hand, while, instead of struggling in a bog, he stands on the everlasting rock of truth.

Having now noticed the criticism of the Senator, I shall proceed to meet and repel the main assault on the resolution. He directed his attack against the strong point, the very horn of the citadel of State Rights. The Senator clearly perceived that, if the constitution be a compact, it was impossible to deny the assertions contained in the resolutions, or to resist the consequences which I had drawn from them, and, accordingly, directed his whole fire against that point; but, after so vast an expenditure of ammunition, not the slightest impression, so far as I can perceive, has been made. But, to drop the simile, after a careful examination of the notes which I took of what the Senator said, I am now at a loss to know whether, in the opinion of the Senator, our constitution is a compact or not, though the almost entire argument of the Senator was directed to that point. At one time he would seem to deny directly and positively that it was a compact, while at another he would appear, in language not less strong, to admit that it was.

I have collated all that the Senator has said upon this point; and, that what I have stated may not appear exaggerated, I will read his remarks in juxtaposition. He said that

"The constitution means a government, not a compact. Not a constitutional compact, but a government. If compact, it rests on plighted faith, and the mode of redress would be to declare the whole void. States may secede if a league or compact."

I thank the Senator for these admissions, which I intend

to use hereafter. (Here Mr. C. proceeded to read from his notes.)

"The States agreed that each should participate in the sovereignty of the other."

Certainly, a very correct conception of the constitution; but when did they make that agreement but by the constitution, and how could they agree but by compact?

"The system, not a compact between States in their sovereign capacity, but a government proper, founded on the adoption of the people, and creating individual relations between itself and the citizens."

This, the Senator lays down as a leading, fundamental principle to sustain his doctrine, and, I must say, with strange confusion and uncertainty of language; not, certainly, to be explained by any want of command of the most appropriate words on his part.

"It does not call itself a compact, but a constitution. The constitution rests on compact, but it is no longer a compact."

I would ask, To what compact does the Senator refer, as that on which the constitution rests? Before the adoption of the present constitution, the States had formed but one compact, and that was the old confederation; and, certainly, the gentleman does not intend to assert that the present constitution rests upon that. What, then, is his meaning? What can it be, but that the constitution itself is a compact? And how will his language read, when fairly interpreted, but that the constitution was a compact, but is no longer a compact? It had, by some means or another, changed its nature, or become defunct.

He nexts states that

"A man is almost untrue to his country who calls the constitution a compact."

I fear the Senator, in calling it "a compact, a bargain,"

has called down this heavy denunciation on his own head. He finally states that

"It is founded on compact, but not a compact results from it."

To what are we to attribute this strange confusion of words? The Senator has a mind of high order, and perfectly trained to the most exact use of language. No man knows better the precise import of the words he uses. The difficulty is not in him, but in his subject. He who undertakes to prove that this constitution is not a compact, undertakes a task which, be his strength ever so great, must oppress him by its weight. Taking the whole of the argument of the Senator together, I would say that it is his impression that the constitution is not a compact, and will now proceed to consider the reason which he has assigned for this opinion.

He thinks there is an incompatibility between constitution and compact. To prove this, he adduces the words "ordain and establish," contained in the preamble of the constitution. I confess I am not capable of perceiving in what manner these words are incompatible with the idea that the constitution is a compact. The Senator will admit that a single State may ordain a constitution; and where is the difficulty, where the incompatibility, of two States concurring in ordaining and establishing a constitution? As between the States themselves, the instrument would be a compact; but in reference to the Government, and those on whom it operates, it would be ordained and established—ordained and established by the *joint authority of two*, instead of the single authority of one.

The next argument which the Senator advances to show that the language of the constitution is irreconcilable with the idea of its being a compact, is taken from that portion of the instrument which imposes prohibitions on the authority of the States. He said that the language used in im-

posing the prohibitions is the language of a superior to an inferior; and that, therefore, it was not the language of a compact, which implies the equality of the parties. As a proof, the Senator cited several clauses of the constitution which provide that no State shall enter into treaties of alliance and confederation, lay imposts, &c., without the assent of Congress. If he had turned to the articles of the old confederation, which he acknowledges to have been a compact, he would have found that those very prohibitory articles of the constitution were borrowed from that instrument; that the language which he now considers as implying superiority was taken *verbatim* from it. If he had extended his researches still further, he would have found that it is the habitual language used in treaties, whenever a stipulation is made against the performance of any act. Among many instances which I could cite if it were necessary, I refer the Senator to the celebrated treaty negotiated by Mr. Jay with Great Britain in 1793, in which the very language used in the constitution is employed.

To prove that the constitution is not a compact, the Senator next observes that it stipulates nothing, and asks, with an air of triumph, Where are the evidences of the stipulations between the States? I must express my surprise at this interrogatory, coming from so intelligent a source. Has the Senator never seen the ratifications of the constitution by the several States? Did he not cite them on this very occasion? Do they contain no evidence of stipulations on the part of the States? Nor is the assertion less strange that the constitution contains no stipulations. So far from regarding it in the light in which the Senator regards it, I consider the whole instrument but a mass of stipulations. What is that but a stipulation to which the Senator refers when he states, in the course of his argument, that each State had agreed to participate in the sovereignty of the others.

But the principal argument on which the Senator relied to show that the constitution is not a compact, rests on the provision in that instrument which declares that "this constitution, and laws made in pursuance thereof, and treaties made under their authority, are the supreme laws of the land." He asked, with marked emphasis, Can a compact be the supreme law of the land? I ask, in return, whether treaties are not compacts, and whether treaties, as well as the constitution, are not declared to be the supreme law of the land? His argument, in fact, as conclusively proves that treaties are not compacts as that the constitution is not a compact. I might rest the issue on this decisive answer; but, as I desire to leave not a shadow of doubt on this important point, I shall follow the gentleman in the course of his reasoning.

He defines a constitution to be a fundamental law, which organizes the government, and points out the mode of its action. I will not object to the definition, though, in my opinion, a more appropriate one, or, at least, one better adapted to American ideas, could be given. My objection is not to the definition, but to the attempt to prove that the fundamental laws of a State cannot be a compact, as the Senator seems to suppose. I hold the very reverse to be the case; and that, according to the most approved writers on the subject of government, these very fundamental laws which are now stated not only not to be compacts, but inconsistent with the very idea of compacts, are held invariably to be compacts; and, in that character, are distinguished from the ordinary laws of the country. I will cite a single authority, which is full and explicit on this point, from a writer of the highest repute.

Burlamaqui says, vol. ii., part 1, chap i., secs. 35, 36, 37, 38:

"It entirely depends upon a free people to invest the sovereigns whom they place over their heads with an authority either absolute or

limited by certain laws. These regulations, by which the supreme authority is kept within bounds, are called *the fundamental laws of the state.*"

"The fundamental laws of a state, taken in their full extent, are not only the decrees by which the entire body of the nation determine the form of government, and the manner of succeeding to the crown, but are likewise covenants between the people and the person on whom they confer the sovereignty, which regulate the manner of governing, and by which the supreme authority is limited."

"These regulations are called fundamental laws, because they are the basis, as it were, and foundation of the state on which the structure of the government is raised, and because the people look upon these regulations as their principal strength and support."

"The name of laws, however, has been given to these regulations in an improper and figurative sense, for, properly speaking, they are *real covenants.* But as those covenants are obligatory between the contracting parties, they have the force of laws themselves."

The same, vol. ii., part 2, ch. i., secs. 19 and 22, in part.

"The whole body of the nation, in whom the supreme power originally resides, may regulate the government by a fundamental law in such manner as to commit the exercise of the different parts of the supreme power to different persons or bodies, who may act independently of each other in regard to the rights committed to them, but still subordinate to the laws from which those rights are derived."

"And these fundamental laws are real covenants, or what the civilians call *pacta conventa*, between the different orders of the republic, by which they stipulate that each shall have a particular part of the sovereignty, and that this shall establish the form of government. It is evident that, by these means, each of the contracting parties acquires a right not only of exercising the power granted to it, but also of preserving that original right."

A reference to the constitution of Great Britain, with which we are better acquainted than with that of any other European government, will show that that is a compact. Magna Charta may certainly be reckoned among the fundamental laws of that kingdom. Now, although it did not assume, originally, the form of a compact, yet, before the breaking up of the meeting of the barons which imposed it

on King John, it was reduced into the form of a covenant, and duly signed by Robert Fitzwalter and others, on the one part, and the king on the other.

But we have a more decisive proof that the constitution of England is a compact in the resolution of the Lords and Commons in 1688, which declared that :—

"King James the Second having endeavored to subvert the constitution of the kingdom, by breaking the original *contract* between the king and people, and having, by the advice of Jesuits and other wicked persons, violated the fundamental law, and withdrawn himself out of the kingdom, hath abdicated the government, and that the throne is thereby become vacant."

But why should I refer to writers upon the subject of government, or inquire into the constitution of foreign states, when there are such decisive proofs that our constitution is a compact? On this point the Senator is estopped. I borrow from the gentleman, and thank him for the word. His adopted State, which he so ably represents on this floor, and his native State, the States of Massachusetts and New Hampshire, both declared, in their ratification of the constitution, that it was a compact. The ratification of Massachusetts is in the following words :

[Here Mr. C. read :]

"*In Convention of the Delegates of the People of the Commonwealth of Massachusetts, February* 6, 1788.

"The Convention having impartially discussed and fully considered the Constitution of the United States of America, reported to Congress by the Convention of Delegates from the United States of America, and submitted to us by a resolution of the General Court of said Commonwealth, passed the 25th day of October last past, and acknowledging, with grateful hearts, the goodness of the Supreme Ruler of the Universe, in affording the people of the United States, in the course of his providence, an opportunity deliberately and peaceably, without fraud or surprise, of entering into an explicit and SOLEMN COMPACT with each other, by assenting to and ratifying a new Constitution, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the com-

mon defence, promote the general welfare, and secure the blessings of liberty to themselves and of Massachusetts, assent to and ratify the said Constitution for the United States of America."

The ratification of New Hampshire is taken from that of Massachusetts, and almost in the same words. But proof, if possible, still more decisive, may be found in the celebrated resolutions of Virginia on the alien and sedition law, in 1798, and the responses of Massachusetts and the other States. Those resolutions expressly assert that the constitution is a compact between the States, in the following language:

[Here Mr. C. read from the resolutions of Virginia as follows:]

"That this Assembly doth explicitly and peremptorily declare, that it VIEWS THE POWERS OF THE FEDERAL GOVERNMENT, AS RESULTING FROM THE COMPACT, TO WHICH THE STATES ARE PARTIES, AS LIMITED BY THE PLAIN SENSE AND INTENTION OF THE INSTRUMENT CONSTITUTING THAT COMPACT, AS NO FARTHER VALID THAN THEY ARE AUTHORIZED BY THE GRANTS ENUMERATED IN THAT COMPACT; AND THAT, IN CASE OF A DELIBERATE, PALPABLE, AND DANGEROUS EXERCISE OF OTHER POWERS NOT GRANTED BY THE SAID COMPACT, THE STATES WHO ARE PARTIES THERETO HAVE THE RIGHT, AND ARE IN DUTY BOUND, TO INTERPOSE FOR ARRESTING THE PROGRESS OF THE EVIL, AND FOR MAINTAINING WITHIN THEIR RESPECTIVE LIMITS THE AUTHORITIES, RIGHTS, AND LIBERTIES APPERTAINING TO THEM.

"That the General Assembly doth also express its deep regret that a spirit has, in sundry instances, been manifested by the Federal Government to enlarge its powers by forced constructions of the constitutional charter, which defines them; and that indications have appeared of a design to expound certain general phrases (which, having been copied from the very limited grant of powers in the former articles of confederation, were the less liable to be misconstrued), so as to destroy the meaning and effect of the particular enumeration which necessarily explains, and limits the general phrases, and so as to CONSOLIDATE THE STATES, BY DEGREES, INTO ONE SOVEREIGNTY, THE OBVIOUS TENDENCY AND INEVITABLE RESULT OF WHICH WOULD BE, TO TRANSFORM THE PRESENT REPUBLICAN SYSTEM OF THE UNITED STATES INTO AN ABSOLUTE, OR, AT BEST, A MIXED MONARCHY."

They were sent to the several States. We have the re-

ply of Delaware, New-York, Connecticut, New Hampshire, Vermont, and Massachusetts, not one of which contradicts this important assertion on the part of Virginia; and, by their silence, they all acquiesce in its truth. The case is still stronger against Massachusetts, which expressly recognizes the fact that the constitution is a compact.

In her answer she says:

[Here Mr. C. read from the answer of Massachusetts as follows:]

"But they deem it their duty solemnly to declare that, while they hold sacred the principle, that consent of the people is the only pure source of just and legitimate power, they cannot admit the right of the State Legislatures to denounce the administration of that Government, to which the people themselves, by a *solemn compact*, have exclusively committed their national concerns. That, although a liberal and enlightened vigilance among the people is always to be cherished, yet an unreasonable jealousy of the men of their choice, and a recurrence to measures of extremity upon groundless or trivial pretexts, have a strong tendency to destroy all rational liberty at home, and to deprive the United States of the most essential advantages in their relations abroad. That this Legislature are persuaded that the decision of all cases in law or equity, arising under the Constitution of the United States, and the construction of all laws made in pursuance thereof, are exclusively vested by the people in the judicial courts of the United States."

"That the people, in that *solemn compact*, which is declared to be *the supreme law of the land*, have not constituted the State Legislatures the judges of the acts or measures of the Federal Government, but have confided to them the power of proposing such amendments of the constitution as shall appear to them necessary to the interests, or conformable to the wishes, of the people whom they represent."

Now I ask the Senator himself—I put it to his candor to say, if South Carolina be estopped on the subject of the protective system, because Mr. Burke and Mr. Smith proposed a moderate duty on hemp, or some other article, I know not what, nor do I care, with a view of encouraging its production (of which motion, I venture to say, not one individual in a hundred in the State ever heard), whether he and Massachusetts, after this clear, full, and solemn recog-

nition that the constitution is a compact (both on his part and that of his State), be not for ever estopped on this important point?

There remains one more of the Senator's arguments, to prove that the constitution is not a compact, to be considered. He says it is not a compact, because it is a government; which he defines to be an organized body, possessed of the will and power to execute its purposes by its own proper authority; and which, he says, bears not the slightest resemblance to a compact. But I would ask the Senator, Who ever considered a government, when spoken of as the agent to execute the powers of the constitution, and distinct from the constitution itself, as a compact? In that light it would be a perfect absurdity. It is true that, in general and loose language, it is often said that the Government is a compact, meaning the constitution which created it, and vested it with authority to execute the powers contained in the instrument; but when the distinction is drawn between the constitution and the Government, as the Senator has done, it would be as ridiculous to call the Government a compact, as to call an individual, appointed to execute the provisions of a contract, a contract; and not less so to suppose that there could be the slightest resemblance between them. In connection with this point, the Senator, to prove that the constitution is not a compact, asserts that it is wholly independent of the State, and pointedly declares that the States have not a right to touch a hair of its head; and this, with that provision in the constitution that three-fourths of the States have a right to alter, change, amend, or even to abolish it, staring him in the face.

I have examined all of the arguments of the Senator intended to prove that the constitution is not a compact; and I trust I have shown, by the clearest demonstration, that his arguments are perfectly inconclusive, and that his assertion is against the clearest and most solemn evidence—

evidence of record, and of such a character that it ought to close his lips for ever.

I turn now to consider the other, and, apparently, contradictory aspect in which the Senator presented this part of the subject: I mean that in which he states that the Government is founded in compact, but is no longer a compact. I have already remarked, that no other interpretation could be given to this assertion, except that the constitution was once a compact, but is no longer so. There was a vagueness and indistinctness in this part of the Senator's argument, which left me altogether uncertain as to its real meaning. If he meant, as I presume he did, that the compact is an executed, and not an executory one—that its object was to create a government, and to invest it with proper authority —and that, having executed this office, it had performed its functions, and, with it, had ceased to exist, then we have the extraordinary avowal that the constitution is a dead letter—that it has ceased to have any binding effect, or any practical influence or operation.

It has, indeed, often been charged that the constitution has become a dead letter; that it is continually violated, and has lost all its control over the Government; but no one has ever before been bold enough to advance a theory on the avowed basis that it was an executed, and, therefore, an extinct instrument. I will not seriously attempt to refute an argument, which, to me, appears so extravagant. I had thought that the constitution was to endure for ever; and that, so far from its being an executed contract, it contained great trust powers for the benefit of those who created it, and of all future generations,—which never could be finally executed during the existence of the world, if our Government should so long endure.

I will now return to the first resolution, to see how the issue stands between the Senator from Massachusetts and myself. It contains three propositions. First, that the

constitution is a compact; second, that it was formed by the States, constituting distinct communities; and, lastly, that it is a subsisting and binding compact between the States. How do these three propositions now stand? The first, I trust, has been satisfactorily established; the second, the Senator has admitted, faintly, indeed, but still he has admitted it to be true. This admission is something. It is so much gained by discussion. Three years ago even this was a contested point. But I cannot say that I thank him for the admission: we owe it to the force of truth. The fact that these States were declared to be free and independent States at the time of their independence; that they were acknowledged to be so by Great Britain in the treaty which terminated the war of the Revolution, and secured their independence; that they were recognized in the same character in the old articles of the confederation; and, finally, that the present constitution was formed by a convention of the several States—afterwards submitted to them for their respective ratifications, and was ratified by them separately, each for itself, and each, by its own act, binding its citizens, —formed a body of facts too clear to be denied, and too strong to be resisted.

It now remains to consider the third and last proposition contained in the resolution—that it is a binding and a subsisting compact between the States. The Senator was not explicit on this point. I understood him, however, as asserting that, though formed by the States, the constitution was not binding between the States as distinct communities, but between the American people in the aggregate; who, in consequence of the adoption of the constitution, according to the opinion of the Senator, became one people, at least to the extent of the delegated powers. This would, indeed, be a great change. All acknowledge that, previous to the adoption of the constitution, the States constituted distinct and independent communities, in full possession of their

sovereignty; and, surely, if the adoption of the constitution was intended to effect the great and important change in their condition which the theory of the Senator supposes, some evidence of it ought to be found in the instrument itself. It professes to be a careful and full enumeration of all the powers which the States delegated, and of every modification of their political condition. The Senator said that he looked to the constitution in order to ascertain its real character; and, surely, he ought to look to the same instrument in order to ascertain what changes were, in fact, made in the political condition of the States and the country. But, with the exception of "we, the people of the United States," in the preamble, he has not pointed out a single indication in the constitution, of the great change which, as he conceives, has been effected in this respect.

Now, Sir, I intend to prove, that the only argument on which the gentleman relies on this point, must utterly fail him. I do not intend to go into a critical examination of the expression of the preamble to which I have referred. I do not deem it necessary. But if it were, it might be easily shown that it is at least as applicable to my view of the constitution as to that of the Senator; and that the whole of his argument on this point rests on the ambiguity of the term thirteen United States; which may mean certain territorial limits, comprehending within them the whole of the States and Territories of the Union. In this sense, the people of the United States may mean *all* the people living within these limits, without reference to the States or Territories in which they may reside, or of which they may be citizens; and it is in this sense only that the expression gives the least countenance to the argument of the Senator.

But it may also mean, *the States united,* which inversion alone, without further explanation, removes the ambiguity to which I have referred. The expression, in this sense, obviously means no more than to speak of the people of the

several States in their united and confederated capacity ; and, if it were requisite, it might be shown that it is only in this sense that the expression is used in the constitution. But it is not necessary. A single argument will for ever settle this point. Whatever may be the true meaning of the expression, it is not applicable to the condition of the States as they exist under the constitution, but as it was under the old confederation, before its adoption. The constitution had not yet been adopted, and the States, in ordaining it, could only speak of themselves in the condition in which they then existed, and not in that in which they would exist under the constitution. So that, if the argument of the Senator proves any thing, it proves, not (as he supposes) that the constitution forms the American people into an aggregate mass of individuals, but that such was their political condition before its adoption, under the old confederation, directly contrary to his argument in the previous part of this discussion.

But I intend not to leave this important point, the last refuge of those who advocate consolidation, even on this conclusive argument. I have shown that the constitution affords not the least evidence of the mighty change of the political condition of the States and the country, which the Senator supposed it effected ; and I intend now, by the most decisive proof, drawn from the Instrument itself, to show that no such change was intended, and that the people of the States are united under it as States and not as individuals. On this point there is a very important part of the constitution entirely and strangely overlooked by the Senator in this debate, as it is expressed in the first resolution, which furnishes conclusive evidence not only that the constitution is a compact, but a subsisting compact, binding between the States. I allude to the seventh article, which provides that "the ratification of the conventions of nine States shall be sufficient for the establishment of this constitution *between*

the States so ratifying the same." Yes, "*between the States.*" These little words mean a volume—compacts, not laws, bind *between* States; and it here binds, not as between individuals, but between *the States:* the States *ratifying;* implying, as strong as language can make it, that the constitution is what I have asserted it to be—a compact, ratified by the States, and a subsisting compact, binding the States ratifying it.

But, Sir, I will not leave this point, all-important in establishing the true theory of our Government, on this argument alone, as demonstrative and conclusive as I hold it to be. Another, not much less powerful, but of a different character, may be drawn from the tenth amended article, which provides that "the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." The article of ratification, which I have just cited, informs us that the constitution, which delegates powers, was ratified by the States, and is binding between them. This informs us to whom the powers are delegated,—a most important fact in determining the point immediately at issue between the Senator and myself. According to his views, the constitution created a union between individuals, if the solecism may be allowed, and that it formed, at least to the extent of the powers delegated, one people, and not a Federal Union of the States, as I contend; or, to express the same idea differently, that the delegation of powers was to the American people in the aggregate (for it is only by such delegation that they could be constituted one people), and not to the *United States*,—directly contrary to the article just cited, which declares that the powers are delegated to the United States. And here it is worthy of notice, that the Senator cannot shelter himself under the ambiguous phrase, "to the people of the United States," under which he would certainly have taken refuge, had the constitution so expressed it;

but, fortunately for the cause of truth and the great principles of constitutional liberty for which I am contending, "people" is omitted: thus making the delegation of power clear and unequivocal to the *United States*, as distinct political communities, and conclusively proving that all the powers delegated are reciprocally delegated by the States to each other, as distinct political communities.

So much for the delegated powers. Now, as all admit, and as it is expressly provided for in the constitution, the *reserved* powers are reserved "to the States *respectively*, or to the people." None will pretend that, as far as they are concerned, we are one people, though the argument to prove it, however absurd, would be far more plausible than that which goes to show that we are one people to the extent of the delegated powers. This reservation "to the people" might, in the hands of subtle and trained logicians, be a peg to hang a doubt upon; and had the expression "to the people" been connected, as fortunately it is not, with the delegated instead of the reserved powers, we should not have heard of this in the present discussion.

I have now established, I hope, beyond the power of controversy, every allegation contained in the first resolution—that the constitution is a compact formed by the people of the several States, as distinct political communities, and subsisting and binding between the States in the same character; which brings me to the consideration of the consequences which may be fairly deduced, in reference to the character of our political system, from these established facts.

The first, and most important is, they conclusively establish that ours is a federal system—a system of States arranged in a Federal Union, each retaining its distinct existence and sovereignty. Ours has every attribute which belongs to a federative system. It is founded on compact; it is formed by sovereign communities, and is binding between

them in their sovereign capacity. I might appeal, in confirmation of this assertion, to all elementary writers on the subject of government, but will content myself with citing one only: Burlamaqui, quoted with approbation by Judge Tucker, in his Commentary on Blackstone, himself a high authority, says:

[Here Mr. C. read from Tucker's Blackstone as follows):

"Political bodies, whether great or small, if they are constituted by a people formerly independent, and under no civil subjection, or by those who justly claim independence from any civil power they were formerly subject to, have the civil supremacy in themselves, and are in a state of equal right and liberty with respect to all other States, whether great or small. No regard is to be had in this matter to names, whether the body politic be called a kingdom, an empire, a principality, a dukedom, a country, a republic, or free town. If it can exercise justly all the essential parts of civil power within itself, independently of any other person or body politic,—and no other hath any right to rescind or annul its acts,—it has the civil supremacy, how small soever its territory may be, or the number of its people, and has all the rights of an Independent State.

"This independence of States, and their being distinct political bodies from each other, is not obstructed by any alliance or confederacies whatsoever, about exercising jointly any parts of the supreme powers, such as those of peace and war, in league offensive and defensive. Two States, notwithstanding such treaties, are separate bodies, and independent.

"These are, then, only deemed politically united when some one person or council is constituted with a right to exercise some essential powers for both, and to hinder either from exercising them separately. If any person or council is empowered to exercise all these essential powers for both, they are then one State: such is the State of England and Scotland, since the act of union made at the beginning of the eighteenth century, whereby the two kingdoms were incorporated into one, all parts of the supreme power of both kingdoms being thenceforward united, and vested in the three estates of the realm of Great Britain; by which entire coalition, though both kingdoms retain their ancient laws and usages in many respects, they are as effectually united and incorporated as the several petty kingdoms which composed the heptarchy were before that period.

"But when only a portion of the supreme civil power is vested in one person or council for both, such as that of peace and war, or of deciding controversies between different States, or their subjects, while each within

itself exercises other parts of the supreme power, independently of all the others—in this case they are called *Systems of States*, which Burlamaqui defines to be an assemblage of perfect governments, strictly united by some common bond, so that they seem to make but a single body with respect to those affairs which interest them in common, though each preserves its sovereignty, full and entire, independently of all others. And in this case, he adds, the confederate States engage to each other only to exercise with common consent certain parts of the sovereignty, especially that which relates to their mutual defence against foreign enemies. But each of the confederates retains an entire liberty of exercising as it thinks proper those parts of the sovereignty which are not mentioned in the treaty of union, as parts that ought to be exercised in common. And of this nature is the American confederacy, in which each State has resigned the exercise of certain parts of the supreme civil power which they possessed before (except in common with the other States included in the confederacy), reserving to themselves all their former powers, which are not delegated to the United States by the common bond of union.

"A visible distinction, and not less important than obvious, occurs to our observation in comparing these different kinds of union. The kingdoms of England and Scotland are united into one kingdom; and the two contracting States, by such an incorporate union, are, in the opinion of Judge Blackstone, totally annihilated, without any power of revival; and a third arises from their conjunction, in which all the rights of sovereignty, and particularly that of legislation, are vested. From whence he expresses a doubt whether any infringements of the fundamental and essential conditions of the union would of itself dissolve the union of those kingdoms; though he readily admits that, in the case of a *federate* alliance, such an infringement would certainly rescind the compact between the confederated States. In the United States of America, on the contrary, each State retains its own antecedent form of government; its own laws, subject to the alteration and control of its own legislature only; its own executive officers and council of State; its own courts of judicature, its own judges, its own magistrates, civil officers, and officers of the militia; and, in short, its own civil state, or body politic, in every respect whatsoever. And by the express declaration of the 12th article of the amendments to the constitution, the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. In Great Britain, a new *civil state* is created by the annihilation of two antecedent civil states; in the American States, a general *federal* council and administration is provided for the joint exercise of such of their several powers as can be more conveniently exercised in that mode than any other, leaving their *civil state*

unaltered; and all the other powers, which the States antecedently possessed, to be exercised by them respectively, as if no union or connection were established between them.

"The ancient Achaia seems to have been a confederacy founded upon a similar plan; each of those little States had its distinct possessions, territories, and boundaries; each had its Senate or Assembly, its magistrates and judges; and every State sent deputies to the general convention, and had equal weight in all determinations. And most of the neighboring States which, moved by fear of danger, acceded to this confederacy, had reason to felicitate themselves.

"These confederacies, by which several States are united together by a perpetual league of alliance, are chiefly founded upon this circumstance, that each particular people choose to remain their own masters, and yet are not strong enough to make head against a common enemy. The purport of such an agreement usually is, that they shall not exercise some part of the sovereignty there specified without the general consent of each other. For the leagues, to which these systems of States owe their rise, seem distinguished from others (so frequent among different States) chiefly by this consideration, that, in the latter, each confederate people determine themselves, by their own judgment, to certain mutual performances, yet so that in all other respects they design not in the least to make the exercise of that part of the sovereignty, whence these performances proceed, dependent on the consent of their allies, or to retrench any thing from their full and unlimited power of governing their own States. Thus we see that ordinary treaties propose, for the most part, as their aim, only some particular advantage of the States thus transacting—their interests happening at present to fall in with each other—but do not produce any lasting union as to the chief management of affairs. Such was the treaty of alliance between America and France in the year 1778, by which, among other articles, it was agreed that neither of the two parties should conclude either truce or peace with Great Britain without the formal consent of the other first obtained, and whereby they mutually engaged not to lay down their arms until the independence of the United States should be formally or tacitly assured by the treaty or treaties which should terminate the war. Whereas, in these confederacies, of which we are now speaking, the contrary is observable, they being established with this design, that the several States shall for ever link their safety one with another, and, in order to their mutual defence, shall engage themselves not to exercise certain parts of their sovereign power, otherwise than by a common agreement and approbation. Such were the stipulations, among others, contained in the articles of confederation and perpetual union between American States, by which it was agreed that no State should.

without the consent of the United States in Congress assembled, send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with, any King, Prince, or State; nor keep up any vessels of war, or body of forces, in time of peace; nor engage in any war, without the consent of the United States in Congress assembled, unless actually invaded; nor grant commissions to any ships of war, or letters of marque and reprisal, except after a declaration of war by the United States in Congress assembled, with several others; yet each State respectively retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not expressly delegated to the United States in Congress assembled. The promises made in these two cases here compared run very differently; in the former, thus: 'I will join you in this particular war as a confederate, and the manner of our attacking the enemy shall be concerted by our common advice; nor will we desist from war till the particular end thereof, the establishment of the independence of the United States, be obtained.' In the latter, thus: 'None of us who have entered into this alliance will make use of our right as to the affairs of war and peace, except by the general consent of the whole confederacy.' We observed before that these unions submit only some certain parts of the sovereignty to mutual direction; for it seems hardly possible that the affairs of different States should have so close a connection, as that all and each of them should look on it as their interest to have no part of the chief government exercised without the general concurrence. The most convenient method, therefore, seems to be, that the particular States reserve to themselves all those branches of the supreme authority, the management of which can have little or no influence in the affairs of the rest."

[Mr. Calhoun proceeded:]

If we compare our present system with the old confederation, which all acknowledge to have been *federal* in its character, we shall find that it possesses all the attributes which belong to that form of government as fully and completely as that did. In fact, *in this particular*, there is but a single difference, and that not essential, as regards the point immediately under consideration, though very important in other respects. The confederation was the act of the State governments, and formed a union of governments. The present constitution is the act of the States themselves, or, which is the same thing, of the people of the several

States, and forms a union of them as sovereign communities. The States, previous to the adoption of the constitution, were as separate and distinct political bodies as the governments which represent them, and there is nothing in the nature of things to prevent them from uniting under a compact, in a federal union, without being blended in one mass, any more than uniting the governments themselves, in like manner, without merging them in a single government. To illustrate what I have stated by reference to ordinary transactions, the confederation was a contract between agents—the present constitution a contract between the principals themselves; or, to take a more analogous case, one is a league made by ambassadors; the other, a league made by sovereigns—the latter no more tending to unite the parties into a single sovereignty than the former. The only difference is in the solemnity of the act and the force of the obligation.

There, indeed, results a most important difference, under our theory of government, as to the nature and character of the act itself, whether executed by the States themselves, or by their governments; but a result, as I have already stated, not at all affecting the question under consideration, but which will throw much light on a subject, in relation to which, I must think the Senator from Massachusetts has formed very confused conceptions.

The Senator dwelt much on the point that the present system is a constitution and a government, in contradistinction to the old confederation, with a view of proving that the constitution was not a compact. Now, I concede to the Senator that our present system is a constitution and a government; and that the former, the old confederation, was not a constitution or government: not, however, for the reason which he assigned, that the former was a compact, and the latter not, but from the difference of the origin from which the two compacts are derived. According to our American conception, the people alone can form constitutions or gov-

ernments, and not their agents. It is this difference, and this alone, which makes the distinction. Had the old confederation been the act of the people of the several States, and not of their governments, that instrument, imperfect as it was, would have been a constitution, and the agency which it created to execute its powers, a government. This is the true cause of the difference between the two acts, and not that, in regard to which the Senator seems to be bewildered.

There is another point on which this difference throws important light, and which has been frequently referred to in debate on this and former occasions. I refer to the expression in the preamble of the constitution, which speaks of "forming a more perfect union," and in the letter of General Washington, laying the draught of the Convention before the old Congress, in which he speaks of "consolidating the Union;" both of which I conceive to refer simply to the fact that the present Union, as already stated, is a union between the States themselves, and not a union like that which had existed between the governments of the States.

We will now proceed to consider some of the conclusions which necessarily follow from the facts and positions already established. They enable us to decide a question of vital importance under our system: Where does sovereignty reside? If I have succeeded in establishing the fact that ours is a federal system, as I conceive I conclusively have, that fact of itself determines the question which I have proposed. It is of the very essence of such a system, that the sovereignty is in the parts, and not in the whole; or, to use the language of Mr. Palgrave, the parts are the units in such a system, and the whole the multiple; and not the whole the unit and the parts the fractions. Ours, then, is a government of twenty-four sovereignties, united by a constitutional compact, for the purpose of exercising certain powers through a common government as their joint agent, and not a union of the twenty-four sovereignties into one, which, according to the

language of the Virginia Resolutions, already cited, would form a consolidation. And here I must express my surprise that the Senator from Virginia should avow himself the advocate of these very resolutions, when he distinctly maintains the idea of a union of the States in one sovereignty, which is expressly condemned by those resolutions as the essence of a consolidated government.

Another consequence is equally clear, that, whatever modifications were made in the condition of the States under the present constitution, they extended only to the exercise of their powers by compact, and not to the sovereignty itself, and are such as sovereigns are competent to make: it being a conceded point, that it is competent to them to stipulate to exercise their powers in a particular manner, or to abstain altogether from their exercise, or to delegate them to agents, without in any degree impairing sovereignty itself. The plain state of the facts, as regards our Government, is, that these States have agreed by compact to exercise their sovereign powers jointly, as already stated; and that, for this purpose, they have ratified the compact in their sovereign capacity, thereby making it the constitution of each State, in nowise distinguished from their own separate constitutions, but in the superadded obligation of compact—of faith mutually pledged to each other. In this compact, they have stipulated, among other things, that it may be amended by three-fourths of the States: that is, they have conceded to each other by compact the right to add new powers or to subtract old, by the consent of that proportion of the States, without requiring, as otherwise would have been the case, the consent of all: a modification no more inconsistent, as has been supposed, with their sovereignty, than any other contained in the compact. In fact, the provision to which I allude furnishes strong evidence that the sovereignty is, as I contend, in the States severally, as the amendments are effected, not by any one three-fourths, but by any three-

fourths of the States, indicating that the sovereignty is in each of the States.

If these views be correct, it follows, as a matter of course, that the allegiance of the people is to their several States, and that treason consists in resistance to the joint authority of the *States* united, not, as has been absurdly contended, in resistance to the *Government* of the United States, which, by the provision of the constitution, has only the right of punishing.

These conclusions have all a most important bearing on that monstrous and despotic bill which, to the disgrace of the Senate and the age, has passed this body. I have still a right thus to speak without violating the rules of order, as it is not yet a law. These conclusions show that the States can violate no law; that they neither are, nor, in the nature of things can be under the dominion of the law; that the worst that can be imputed to them is a violation of compact, for which they, and not their citizens, are responsible; and that, to undertake to punish a State by law, or to hold the citizens responsible for the acts of the State, which they are on their allegiance bound to obey, and liable to be punished as traitors for disobeying, is a cruelty unheard of among civilized nations, and destructive of every principle upon which our Government is founded. It is, in short, a ruthless and complete revolution of our entire system.

I was desirous to present these views fully before the passage of this long-to-be-lamented bill, but as I was prevented by the majority, as I have stated at the commencement of my remarks, I trust that it is not yet too late.

Having now said what I intended in relation to my first resolution, both in reply to the Senator from Massachusetts, and in vindication of its correctness, I will now proceed to consider the conclusions drawn from it in the second resolution—that the General Government is not the exclusive and final judge of the extent of the powers delegated to it, but

that the States, as parties to the compact, have a right to judge, in the last resort, of the infractions of the compact, and of the mode and measure of redress.

It can scarcely be necessary, before so enlightened a body, to premise that our system comprehends two distinct governments—the General and State Governments, which, properly considered, form but one. The former representing the joint authority of the States in their confederate capacity, and the latter that of each State separately. I have premised this fact simply with a view of presenting distinctly the answer to the argument offered by the Senator from Massachusetts to prove that the General Government has a final and exclusive right to judge, not only of its delegated powers, but also of those reserved to the States. That gentleman relies for his main argument on the assertion that a government, which he defines to be an organized body, endowed with both will, and power, and authority in *proprio vigore* to execute its purpose, has a right inherently to judge of its powers. It is not my intention to comment upon the definition of the Senator, though it would not be difficult to show that his ideas of government are not very American. My object is to deal with the conclusion, and not the definition. Admit, then, that the Government has the right of judging of its powers, for which he contends. How, then, will he withhold, upon his own principle, the right of judging from the State Governments, which he has attributed to the General Government? If it belongs to one, on his principle it belongs to both; and if to both, when they differ, the veto, so abhorred by the Senator, is the necessary result: as neither, if the right be possessed by both, can control the other.

The Senator felt the force of this argument, and, in order to sustain his main position, he fell back on that clause of the constitution which provides that "this constitution, and the laws made in pursuance thereof, shall be the supreme law of the land."

This is admitted—no one has ever denied that the constitution, and the laws made in *pursuance* of it, are of paramount authority. But it is equally undeniable that laws *not* made in pursuance are not only not of paramount authority, but are of no authority whatever, being of themselves null and void; which presents the question, Who are to judge whether the laws be or be not pursuant to the constitution? and thus the difficulty, instead of being taken away, is removed but one step further back. This the Senator also felt, and has attempted to overcome, by setting up, on the part of Congress and the judiciary, the final and exclusive right of judging, both for the Federal Government and the States, as to the extent of their respective powers. That I may do full justice to the gentleman, I will give his doctrine in his own words. He states,

"That there is a supreme law, composed of the constitution, the laws passed in pursuance of it, and the treaties; but in cases coming before Congress, not assuming the shape of cases in law and equity, so as to be subjects of judicial discussion, Congress must interpret the constitution so often as it has occasion to pass laws; and in cases capable of assuming a judicial shape, the Supreme Court must be the final interpreter."

Now, passing over this vague and loose phraseology, I would ask the Senator upon what principle can he concede this extensive power to the legislative and judicial departments, and withhold it entirely from the Executive? If one has the right it cannot be withheld from the other. I would also ask him on what principle—if the departments of the General Government are to possess the right of judging, finally and conclusively, of their respective powers—on what principle can the same right be withheld from the State Governments, which, as well as the General Government, properly considered, are but departments of the same general system, and form together, properly speaking, but one government? This was a favorite idea of Mr. Macon, for whose wisdom I have a respect increasing with my experience,

and who I have frequently heard say, that most of the misconceptions and errors in relation to our system originated in forgetting that they were but parts of the same system. I would further tell the Senator, that, if this right be withheld from the State Governments; if this restraining influence, by which the General Government is confined to its proper sphere, be withdrawn, then that department of the Government from which he has withheld the right of judging of its own powers (the Executive) will, so far from being excluded, become the *sole* interpreter of the powers of the Government. It is the *armed* interpreter, with powers to execute its own construction, and without the aid of which the construction of the other departments will be impotent.

But I contend that the States have a far clearer right to the sole construction of their powers than any of the departments of the Federal Government can have. This power is expressly reserved, as I have stated on another occasion, not only against the several departments of the General Government, but against the United States themselves. I will not repeat the arguments which I then offered on this point, and which remain unanswered, but I must be permitted to offer strong additional proof of the views then taken, and which, if I am not mistaken, are conclusive on this point. It is drawn from the ratification of the constitution by Virginia, and is in the following words.

[Mr. C. then read as follows:]

"We, the delegates of the people of Virginia, duly elected in pursuance of a recommendation from the General Assembly, and now met in Convention, having fully and freely investigated and discussed the proceedings of the Federal Convention, and being prepared, as well as the most mature deliberation hath enabled us, to decide thereon, do, in the name and in behalf of the people of Virginia, declare and make known that the powers granted under the constitution, being derived from the people of the United States, may be resumed by them whensoever the same shall be perverted to their injury or oppression, and that every power not

granted thereby remains with them, and at their will; that, therefore, no right of any denomination can be cancelled, abridged, restrained, or modified by the Congress, by the Senate or House of Representatives, acting in any capacity, by the President or any department or officer of the United States, except in those instances in which power is given by the constitution for those purposes; and that, among other essential rights, the liberty of conscience and of the press cannot be cancelled, abridged, restrained, or modified by any authority of the United States. With these impressions, with a solemn appeal to the Searcher of all hearts for the purity of our intentions, and under the conviction that whatsoever imperfections may exist in the constitution ought rather to be examined in the mode prescribed therein, than to bring the Union in danger by a delay, with the hope of obtaining amendments previous to the ratification —we, the said delegates, in the name and in the behalf of the people of Virginia, do, by these presents, assent to and ratify the constitution recommended on the 17th day of September, 1787, by the Federal Convention, for the government of the United States, hereby announcing to all those whom it may concern, that the said constitution is binding upon the said people, according to an authentic copy hereto annexed, in the words following," &c.

It thus appears that this sagacious State (I fear, however, that her sagacity is not so sharpsighted now as formerly) ratified the constitution, with an explanation as to her reserved powers; that they were powers subject to her own will, and reserved against every department of the General Government—legislative, executive and judicial—as if she had a prophetic knowledge of the attempts now made to impair and destroy them: which explanation can be considered in no other light than as containing a condition on which she ratified, and, in fact, making part of the constitution of the United States—extending as well to the other States as herself. I am no lawyer, and it may appear to be presumption in me to lay down the rule of law which governs in such cases, in a controversy with so distinguished an advocate as the Senator from Massachusetts. But I shall venture to lay it down as a rule in such cases, which I have no fear that the gentleman will contradict, that, in case of a contract between several partners, if the entrance

of one on condition be admitted, the condition enures to the benefit of all the partners. But I do not rest the argument simply upon this view: Virginia proposed the tenth amended article, the one in question, and her ratification must be at least received as the highest evidence of its true meaning and interpretation.

If these views be correct—and I do not see how they can be resisted—the rights of the States to judge of the extent of their reserved powers stands on the most solid foundation, and is good against every department of the General Government; and the judiciary is as much excluded from an interference with the reserved powers as the legislative or executive departments. To establish the opposite, the Senator relies upon the authority of Mr. Madison, in the Federalist, to prove that it was intended to invest the court with the power in question. In reply, I will meet Mr. Madison with his own opinion, given on a most solemn occasion, and backed by the sagacious commonwealth of Virginia. The opinion to which I allude will be found in the celebrated report of 1799, of which Mr. Madison was the author. It says:

"But it is objected, that the JUDICIAL AUTHORITY is to be regarded as *the sole expositor of the constitution in the last resort;* and it may be asked for what reason, the declaration by the General Assembly, supposing it to be theoretically true, could be required at the present day, and in so solemn a manner.

"On this objection it might be observed, *first*, that there may be instances of usurped power, which the forms of the constitution would never draw within the control of the judicial department; *secondly*, that, if the decision of the judiciary be raised above the authority of the sovereign parties to the constitution, the decisions of the other departments, not carried by the forms of the constitution before the judiciary, must be equally authoritative and final as the decisions of this department. But the proper answer to this objection is, that the resolution of the General Assembly relates to those great and extraordinary cases in which all the forms of the Constitution may prove ineffectual against infractions dangerous to the essential rights of the parties to it. The resolution supposes that

dangerous powers, not delegated, may not only be usurped and executed by the other departments, but that the judicial department, also, may exercise or sanction dangerous powers beyond the grant of the constitution; and, consequently, that the ultimate right of the parties to the constitution to judge whether the compact was dangerously violated, must extend to violations by one delegated authority as well as by another; by the judiciary as well as by the executive or the legislative."

The Senator also relies upon the authority of Luther Martin to the same point, to which I have already replied so fully on another occasion (in answer to the Senator from Delaware, Mr. Clayton), that I do not deem it necessary to add any further remarks on the present occasion.

But why should I waste words in reply to these or any other authorities, when it has been so clearly established that the rights of the States are reserved against each and every department of the Government, and no authority in opposition can possibly shake a position so well established? Nor do I think it necessary to repeat the argument which I offerred when the bill was under discussion, to show that the clause in the constitution which provides that the judicial power shall extend to all cases in law and equity arising under this constitution, and to the laws and treaties made under its authority, has no bearing on the point in controversy; and that even the boasted power of the Supreme Court to decide a law to be unconstitutional, so far from being derived from this or any other portion of the constitution, results from the necessity of the case—where two rules of unequal authority come in conflict—and is a power belonging to all courts, superior and inferior, State and General, Domestic and Foreign.

I have now, I trust, shown satisfactorily, that there is no provision in the constitution to authorize the General Government, through any of its departments, to control the action of a State within the sphere of its reserved powers; and that, of course, according to the principle laid down by the Senator from Massachusetts himself, the government of the

States, as well as the General Government, has the right to determine the extent of their respective powers, without the right on the part of either to control the other. The necessary result is the veto, to which he so much objects; and to get clear of which, he informs us, was the object for which the present constitution was formed. I know not whence he has derived his information, but my impression is very different as to the immediate motives which led to the formation of that instrument. I have always understood that the principal was, to give to Congress the power to regulate commerce, to lay impost duties, and to raise a revenue for the payment of the public debt and the expenses of the Government; and to subject the action of the citizens individually to the operation of the laws, as a substitute for force. If the object had been to get clear of the veto of the States, as the Senator states, the Convention certainly performed their work in a most bungling manner. There was unquestionably a large party in that body, headed by men of distinguished talents and influence, who commenced early and worked earnestly to the last, to deprive the States—not directly, for that would have been too bold an attempt, but indirectly—of the veto. The good sense of the Convention, however, put down every effort, however disguised and perseveringly made. I do not deem it necessary to give, from the journals, the history of these various and unsuccessful attempts—though it would afford a very instructive lesson. It is sufficient to say that it was attempted by proposing to give Congress power to annul the acts of the States which they might deem inconsistent with the constitution; to give to the President the power of appointing the governors of the States, with a view of vetoing State laws through his authority; and, finally, to give to the judiciary the power to decide controversies between the States and the General Government: all of which failed—fortunately for the liberty of the country—utterly and entirely failed; and in their failure we have the strongest evi-

dence that it was not the intention of the Convention to deprive the States of the veto power. Had the attempt to deprive them of this power been directly made, and failed, every one would have seen and felt that it would furnish conclusive evidence in favor of its existence. Now, I would ask, What possible difference can it make in what form this attempt was made? whether by attempting to confer on the General Government a power incompatible with the exercise of the veto on the part of the States, or by attempting directly to deprive them of the right to exercise it? We have thus direct and strong proof that, in the opinion of the Convention, the States, unless deprived of it, possess the veto power—or, what is another name for the same thing, the right of nullification. I know that there is a diversity of opinion among the friends of State Rights in regard to this power, which I regret, as I cannot but consider it as a power essential to the protection of the minor and local interests of the community, and the liberty and the union of the country. It is the very shield of State Rights, and the only power by which that system of injustice against which we have contended for more than thirteen years can be arrested: a system of hostile legislation—of plundering by law, which must necessarily lead to a conflict of arms if not prevented.

But I rest the right of a State to judge of the extent of its reserved powers, in the last resort, on higher grounds—that the constitution is a compact, to which the States are parties in their sovereign capacity; and that, as in all other cases of compact between parties having no common umpire, each has a right to judge for itself. To the truth of this proposition the Senator from Massachusetts has himself assented, if the constitution itself be a compact—and that it is, I have shown, I trust, beyond the possibility of a doubt. Having established this point, I now claim, as I stated I would do in the course of the discussion, the admissions of the Senator, and, among them, the right of secession and nulli-

fication, which he conceded would necessarily follow if the constitution be indeed a compact.

I have now replied to the arguments of the Senator from Massachusetts so far as they directly apply to the resolutions, and will, in conclusion, notice some of his general and detached remarks. To prove that ours is a consolidated government, and that there is an immediate connection between the Government and the citizen, he relies on the fact that the laws act directly on individuals. That such is the case I will not deny; but I am very far from conceding the point that it affords the decisive proof, or even any proof at all, of the position which the Senator wishes to maintain. I hold it to be perfectly within the competency of two or more States to subject their citizens, in certain cases, to the direct action of each other, without surrendering or impairing their sovereignty. I recollect, while I was a member of Mr. Monroe's cabinet, a proposition was submitted by the British Government to permit a mutual right of search and seizure, on the part of each government, of the citizens of the other, on board of vessels engaged in the slave-trade, and to establish a joint tribunal for their trial and punishment. The proposition was declined, not because it would impair the sovereignty of either, but on the ground of general expediency, and because it would be incompatible with the provisions of the constitution which establish the judicial power, and which provisions require the judges to be appointed by the President and Senate. If I am not mistaken, propositions of the same kind were made and acceded to by some of the Continental powers.

With the same view, the Senator cited the suability of the States as evidence of their want of sovereignty; at which I must express my surprise, coming from the quarter it does. No one knows better than the Senator that it is perfectly within the competency of a sovereign State to permit itself to be sued. We have on the statute-book a standing

law, under which the United States may be sued in certain land cases. If the provision in the constitution on this point proves any thing, it proves, by the extreme jealousy with which the right of suing a State is permitted, the very reverse of that for which the Senator contends.

Among other objections to the views of the constitution for which I contend, it is said that they are novel. I hold this to be a great mistake. The novelty is not on my side, but on that of the Senator from Massachusetts. The doctrine of consolidation which he maintains is of recent growth. It is not the doctrine of Hamilton, Ames, or any of the distinguished federalists of the period, all of whom strenuously maintained the federative character of the constitution, though they were accused of supporting a system of policy which would necessarily lead to consolidation. The first disclosure of that doctrine was in the case of M'Culloch; in which the Supreme Court held the doctrine, though wrapped up in language somewhat indistinct and ambiguous. The next, and more open avowal, was by the Senator of Massachusetts himself, about three years ago, in the debate on Foote's resolution. The first official annunciation of the doctrine was in the recent proclamation of the President, of which the bill that has recently passed this body is the bitter fruit.

It is further objected by the Senator from Massachusetts, and others, against the doctrine of State Rights, as maintained in this debate, that, if it should prevail the peace of the country would be destroyed. But what if it should not prevail? Would there be peace? Yes, the peace of despotism: that peace which is enforced by the bayonet and the sword; the peace of death, where all the vital functions of liberty have ceased. It is this peace which the doctrine of State sovereignty may disturb by that conflict, which in every free State, if properly organized, necessarily exists between liberty and power; but which, if restrained within

proper limits, gives a salutary exercise to our moral and intellectual faculties. In the case of Carolina, which has caused all this discussion, who does not see, if the effusion of blood be prevented, that the excitement, the agitation, and the inquiry which it has caused, will be followed by the most beneficial consequences? The country had sunk into avarice, intrigue, and electioneering—from which nothing but some such event could rouse it, or restore those honest and patriotic feelings which had almost disappeared under their baneful influence. What government has ever attained power and distinction without such conflicts? Look at the degraded state of all those nations where they have been put down by the iron arm of the government.

I, for my part, have no fear of any dangerous conflict, under the fullest acknowledgment of State sovereignty: the very fact that the States may interpose will produce moderation and justice. The General Government will abstain from the exercise of any power in which they may suppose three-fourths of the States will not sustain them; while, on the other hand, the States will not interpose but on the conviction that they will be supported by one-fourth of their co-States. Moderation and justice will produce confidence, attachment, and patriotism; and these, in turn, will offer most powerful barriers against the excess of conflicts between the States and the General Government.

But we are told that, should the doctrine prevail, the present system would be as bad, if not worse, than the old confederation. I regard the assertion only as evidence of that extravagance of declaration in which, from excitement of feeling, we so often indulge. Admit the power, and still the present system would be as far removed from the weakness of the old confederation as it would be from the lawless and despotic violence of consolidation. So far from being the same, the difference between the confederation and the present constitution would still be most strongly marked. If there

were no other distinction, the fact that the former required the concurrence of the States to execute its acts, and the latter, the act of a State to arrest them, would make a distinction as broad as the ocean. In the former, the *vis inertiæ* of our nature is in opposition to the action of the system. Not to act was to defeat. In the latter, the same principle is on the opposite side—action is required to defeat. He who understands human nature will see in this fact alone, the difference between a feeble and ill-contrived confederation, and the restrained energy of a federal system. Of the same character is the objection that the doctrine will be the source of weakness. If we look to mere organization and physical power as the only source of strength, without taking into the estimate the operation of moral causes, such would appear to be the fact; but if we take into the estimate the latter, we shall find that those governments have the greatest strength in which power has been most efficiently checked. The government of Rome furnishes a memorable example. There, two independent and distinct powers existed—the people acting by tribes, in which the Plebeians prevailed, and by centuries, in which the Patricians ruled. The Tribunes were the appointed representatives of the one power, and the Senate of the other; each possessed of the authority of checking and overruling one another, not as departments of the government, as supposed by the Senator from Massachusetts, but as independent powers—as much so as the State and General Governments. A shallow observer would perceive, in such an organization, nothing but the perpetual source of anarchy, discord, and weakness; and yet, experience has proved that it was the most powerful government that ever existed; and reason teaches that this power was derived from the very circumstance which hasty reflection would consider the cause of weakness. I will venture an assertion, which may be considered extravagant, but in which history will fully bear me out, that we have no knowledge

of any people where the power of arresting the improper acts of the government, or what may be called the negative power of government, was too strong,—except Poland, where every freeman possessed a veto. But even there, although it existed in so extravagant a form, it was the source of the highest and most lofty attachment to liberty, and the most heroic courage : qualities that more than once saved Europe from the domination of the crescent and cimeter. It is worthy of remark, that the fate of Poland is not to be attributed so much to the excess of this negative power of itself, as to the facility which it afforded to foreign influence in controlling its political movements.

I am not surprised that, with the idea of a perfect government which the Senator from Massachusetts has formed—a government of an absolute majority, unchecked and unrestrained, operating through a representative body—he should be so much shocked with what, he is pleased to call, the absurdity of the State *veto*. But let me tell him that his scheme of a perfect government, as beautiful as he conceives it to be, though often tried, has invariably failed,—has always run, whenever tried, through the same uniform process of faction, corruption, anarchy, and despotism. He considers the representative principle as the great modern improvement in legislation, and of itself sufficient to secure liberty. I cannot regard it in the light in which he does. Instead of modern, it is of remote origin, and has existed, in greater or less perfection, in every free State, from the remotest antiquity. Nor do I consider it as of itself sufficient to secure liberty, though I regard it as one of the indispensable means—the means of securing the people against the tyranny and oppression of their *rulers*. To secure liberty, another means is still necessary—the means of securing the different portions of society against the injustice and oppression of each other, which can only be effected by *veto*, interposition, or nullification, or by whatever name

the restraining or negative power of government may be called.

The Senator appears to be enamored with his conception of a consolidated government, and avows himself to be prepared, seeking no lead, to rush, in its defence, to the front rank, where the blows fall heaviest and thickest. I admire his gallantry and courage, but I will tell him that he will find in the opposite ranks, under the flag of liberty, spirits as gallant as his own; and that experience will teach him it is infinitely easier to carry on the war of legislative exactions by bills and enactments, than to extort by sword and bayonet from the brave and the free.

The bill which has passed this body is intended to decide this great controversy between the view of our Government entertained by the Senator and those who act with him, and that supported on our side. It has merged the tariff, and all other questions connected with it, in the higher and direct issue which it presents between the federal and national system of governments. I consider the bill as far worse, and more dangerous to liberty, than the tariff. It has been most wantonly passed, when its avowed object no longer justified it. I consider it as chains forged and fitted to the limbs of the States, and hung up to be used when occasion may require. We are told, in order to justify the passage of this fatal measure, that it was necessary to present the olive-branch with one hand and the sword with the other. We scorn the alternative. You have no right to present the sword. The constitution never put the instrument in your hands to be employed against a State; and as to the olive-branch, whether we receive it or not will not depend on your menace, but on our own estimate of what is due to ourselves and the rest of the community in reference to the difficult subject on which we have taken issue.

The Senator from Massachusetts has struggled hard to sustain his cause, but the load was too heavy for him to bear.

I am not surprised at the ardor and zeal with which he has entered into the controversy. It is a great struggle between power and liberty—power on the side of the North, and liberty on the side of the South. But, while I am not surprised at the part which the Senator from Massachusetts has taken, I must express my amazement at the principles advanced by the Senator from Georgia, nearest me (Mr. Forsyth). I had supposed it was impossible that one of his experience and sagacity should not perceive the new and dangerous direction which this controversy is about to take. For the first time, we have heard an ominous reference to a provision in the constitution which I have never known to be before alluded to in discussion, or in connection with any of our measures. I refer to that provision in the constitution in which the General Government guarantees a republican form of government to the States—a power which hereafter, if not rigidly restricted to the objects intended by the constitution, is destined to be a pretext to interfere with our political affairs and domestic institutions in a manner infinitely more dangerous than any other power which has ever been exercised on the part of the General Government. I had supposed that every Southern Senator, at least, would have been awake to the danger which menaces us from this new quarter; and that no sentiment would be uttered, on their part, calculated to countenance the exercise of this dangerous power. With these impressions, I heard the Senator, with amazement, alluding to Carolina as furnishing a case which called for the enforcement of this guarantee. Does he not see the hazard of the indefinite extension of so fatal a power? There exists in every Southern State a domestic institution, which would require a far less bold construction to consider the government of every State in that quarter, not to be republican, and, of course, to demand, on the part of this Government, the suppression of the institution to which I allude, in fulfilment of the guarantee. I believe

there are now no hostile feelings combined with political considerations, in any section, connected with this delicate subject. But it requires no stretch of the imagination to see the danger which must one day come, if not vigilantly watched. With the rapid strides with which this Government is advancing to power, a time will come, and that not far distant, when petitions will be received from the quarter to which I allude for protection—when the faith of the guarantee will be, at least, as applicable to that case as the Senator from Georgia now thinks it is to Carolina. Unless his doctrine be opposed by united and firm resistance, its ultimate effect will be to drive the white population from the Southern Atlantic States.

SPEECH

On the Removal of the Public Deposits from the Bank of the United States, delivered in the Senate, January 13th, 1834.

[The Special Order now came up, the question being on Mr. Clay's resolutions in regard to the removal of the Public Deposits.]

Mr. Calhoun said, that the statement of this case might be given in a very few words. The 16th section of the act incorporating the Bank, provides that, wherever there is a bank or branch of the United States Bank, the public moneys should be deposited therein, unless otherwise ordered by the Secretary of the Treasury; and that, in such case, he should report to Congress, if in session, immediately; and if not, at the commencement of the next session. The Secretary, acting under the provisions of this section, has ordered the de-

posits to be withheld from the Bank, and has reported his reasons, in conformity with the provisions of the section. The Senate is now called upon to consider his reasons, in order to determine whether the Secretary is justified or not. I have examined them with care and deliberation, without the slightest bias, as far as I am conscious, personal or political. I have but a slight acquaintance with the Secretary, and that little is not unfavorable to him. I stand wholly disconnected with the two great parties now contending for ascendency. My political connections are with that small and denounced party which has voluntarily retired from the party strifes of the day, with a view of saving, if possible, the liberty and the constitution of the country, in this great crisis of our affairs.

Having maturely considered, with these impartial feelings, the reasons of the Secretary, I am constrained to say that he has entirely failed to make out his justification. At the very commencement, he has placed his right to remove the deposits on an assumption resting on a misconception of the case. In the progress of his argument he has entirely abandoned the first, and assumed a new and greatly enlarged ground, utterly inconsistent with the first, and equally untenable ; and yet, as broad as his assumptions are, there is an important part of the transaction which he does not attempt to vindicate, and to which he has not even alluded. I shall, said Mr. Calhoun, now proceed, without further remark, to make good these assertions.

The Secretary, at the commencement of his argument, assumes the position that, in the absence of all legal provision, he, as the head of the financial department, had the right, in virtue of his office, to designate the agent and place for the safe-keeping of the public deposits. He then contends that the 16th section does not restrict his power, which stands, he says, on the same ground as before the passing of the act incorporating the Bank. It is not necessary to inquire

into the correctness of the position assumed by the Secretary; but, if it were, it would not be difficult to show, that when an agent, with general powers, assumes, in the execution of his agency, a power not delegated, the assumption rests on the necessity of the case; and that no power, in such case, can be lawfully exercised, which was not necessary to effect the object intended. Nor would it be difficult to show that, in this case, the power assumed by the Secretary would belong, not to him, but to the Treasurer; who, under the act organizing the Treasury Department, is expressly charged with the safe-keeping of the public funds, for which he is responsible under bond, in heavy penalties. But as strongly and directly as these considerations bear on the question of the power of the Secretary, I do not think it necessary to pursue them, for the plain reason that the Secretary has entirely mistaken the case. It is not a case, as he supposes, where there is no legal provision in relation to the safe-keeping of the public funds, but one of precisely the opposite character. The 16th section expressly provides that the deposits shall be made in the Bank and its branches; and, of course, it is perfectly clear that all powers which the Secretary has derived from the general and inherent powers of his office, in the absence of such provision, are wholly inapplicable to this case. Nor is it less clear that, if the section had terminated with the provision directing the deposits to be made in the Bank, the Secretary would have had no more control over the subject than myself, or any other Senator; and it follows, of course, that he must derive his power, not from any general reasons connected with the nature of his office, but from some express provisions contained in the section, or some other part of the act. It has not been attempted to be shown that there is any such provision in any other section or part of the act. The only control, then, which the Secretary can rightfully claim over the deposits is contained in the provision which directs that the deposits shall be made

in the Bank, unless otherwise ordered by the Secretary of the Treasury; which brings the whole question in reference to the deposits, to the extent of the power which Congress intended to confer upon the Secretary, in these few words, "unless otherwise ordered."

In ascertaining the intention of Congress, I lay it down as a rule, which I suppose will not be controverted, that all political powers, under our free institutions, are trust powers, and not rights, liberties, or immunities, belonging personally to the officer. I also lay it down as a rule not less incontrovertible, that trust powers are necessarily limited (unless there be some express provision to the contrary) to the *subject-matter and object* of the trust. This brings us to the question, What is the subject and object of the trust in this case? The whole section relates to deposits—to the safe and faithful keeping of the public funds. With this view they are directed to be made in the Bank. With the same view, and in order to increase the security, power was conferred on the Secretary to withhold the deposits; and with the same view, he is directed to report his reasons for the removal, to Congress. All have one common object, the security of the public funds. To this point the whole section converges. The language of Congress, fairly understood, is, We have selected the Bank because we confide in it as a safe and faithful agent to keep the public money; but, to prevent the abuse of so important a trust, we invest the Secretary with power to remove the deposits, with a view to their increased security. And lest the Secretary, on his part, should abuse so important a trust, and in order still further to increase that security, we direct, in case of removal, that he shall report his reasons. It is obvious, under this view of the subject, that the Secretary has no right to act in relation to the deposits, but with a view to their increased security; and that he has no right to order them to be withheld from the Bank so long as the

funds are safe, and the Bank has faithfully performed the duties imposed in relation to them; and not even then, unless the deposits can be placed in safer and more faithful hands. That such was the opinion of the Executive in the first instance, we have demonstrative proof in the message of the President to Congress at the close of the last session, which placed the subject of the removal of the deposits exclusively on the question of their safety; and that such was also the opinion of the House of Representatives then, we have equally conclusive proof from the vote of that body that the public funds in the Bank were safe, which was understood, at that time, on all sides, by friends and foes, as deciding the question of the removal of the deposits.

The extent of the power intended to be conferred being established, the question now arises, Has the Secretary transcended its limit? It can scarcely be necessary to argue this point. It is not even pretended that the public deposits were in danger, nor that the Bank had not faithfully performed all the duties imposed on it in relation to them, nor that the Secretary had placed the money in safer or more faithful hands. So far otherwise, there is not a man who hears me who will not admit that the public moneys are now less safe than they were in the Bank of the United States. And I will venture to assert that not a capitalist can be found who would not ask a considerably higher percentage to insure them in their present, than in the place of deposit designated by law. If these views are correct, and I hold them to be unquestionable, the question is decided. The Secretary has no right to withhold the deposits from the Bank. There has been, and can be but one argument advanced in favor of his right which has even the appearance of being tenable—that the power to withhold is given in general terms, and without qualification, "*unless the Secretary otherwise direct.*" They who resort to this argument must assume the position, that the letter ought to prevail over the clear and manifest

intention of the act. They must regard the power of the Secretary, not as a trust power, limited by the subject and the object of the trust, but as a chartered right, to be used according to his discretion and pleasure. There is a radical defect in our mode of construing political powers, of which this and many other instances afford striking examples. But I will give the Secretary his choice; either the intention or the letter must prevail—he may select either, but cannot be permitted to take one or the other as may suit his purpose. If he chooses the former, he has transcended his powers, as I have clearly demonstrated. If he selects the latter, he is equally condemned, as he has clearly exercised powers not comprehended in the letter of his authority. He has not confined himself simply to withholding the public moneys from the Bank of the United States, but he has ordered them to be deposited in other banks, though there is not a word in the section to justify it. I do not intend to argue the question, whether he had a right to order the funds withheld from the United States Bank to be placed in the State banks, which he has selected; but I ask, How has he acquired that right? It rests wholly on construction—on the supposed intention of the legislature, which, when it gives a power, intends to give all the means necessary to render it available. But, as clear as this principle of construction is, it is not more clear than that which would limit the right of the Secretary to the question of the safe and faithful keeping of the public funds; and I cannot admit that he shall be permitted to resort to the letter or to construction, as may best be calculated to enlarge his power, when the right construction is denied to those who would limit his power by the clear and obvious intention of Congress.

I might here, said Mr. Calhoun, rest the question of the power of the Secretary over the deposits, without adding another word. I have placed it on grounds from which no ingenuity, however great, or subtlety, however refined, can

remove it ; but such is the magnitude of the case, and such my desire to give the reasons of the Secretary the fullest consideration, that I shall follow him through the remainder of them.

That the Secretary was conscious the first position which he assumed, and which I have considered, was untenable, we have ample proof in the precipitancy with which he retreated from it. He had scarcely laid it down, when, without illustration or argument, he passed with a rapid transition, and, I must say, a transition as obscure as rapid, to another position wholly inconsistent with the first, and in assuming which, he expressly repudiates the idea that the safe and faithful keeping of the public funds had any necessary connection with his removal of the deposits ; his power to do which, he places on the broad and unlimited ground that he had a right to make such disposition of them as the public interest or the convenience of the people might require. I have said that the transition was as obscure as it was rapid ; but, obscure as it is, he has said enough to enable us to perceive the process by which he has reached so extraordinary a position ; and we may safely affirm that his arguments are not less extraordinary than the conclusion at which he arrives. His first proposition, which, however, he has not ventured to lay down expressly, is, that Congress has an unlimited control over the deposits, and that it may dispose of them in whatever manner it may please, in order to promote the general welfare and convenience of the people. He next asserts that Congress has parted with this power under the sixteenth section, which directs the deposits to be made in the Bank of the United States, and then concludes with affirming that it has invested the Secretary of the Treasury with it, for reasons which I am unable to understand.

It cannot be necessary, before so enlightened a body, that I should undertake to refute an argument so utterly untrue in premises and conclusion—to show that Congress never pos-

sessed the power which the Secretary claims for it—that it is a power, from its very nature, incapable of such enlargement, being limited solely to the safe keeping of the public funds; that if it existed, it would be susceptible of the most dangerous abuses; that Congress might make the wildest and most dangerous association the depository of the public funds; might place them in the hands of the fanatics and madmen of the North, who are waging war against the domestic institutions of the South, under the plea of promoting the general welfare. But admitting that Congress possessed the power which the Secretary attributes to it, by what process of reasoning can he show that it has parted with this unlimited power, simply by directing the public moneys to be deposited in the Bank of the United States? or, if it has parted with the power, by what extraordinary process has it been transferred to the Secretary of the Treasury by those few and simple words, "unless he shall otherwise direct?" In support of this extraordinary argument, the Secretary has offered not a single illustration, nor a single remark bearing the semblance of reason, but one, which I shall now proceed to notice.

He asserts, and asserts truly, that the Bank charter is a contract between the Government, or, rather, the people of the United States and the Bank, and then assumes that it constitutes him a common agent or trustee, to superintend the execution of the stipulations contained in that portion of the contract comprehended in the sixteenth section. Let us now, taking these assumptions to be true, ascertain what those stipulations are, the superintendence of the execution of which, as he affirms, are jointly confided by the parties to him. The Government stipulated, on its part, that the public money should be deposited in the Bank of the United States—a great and valuable privilege, on which the successful operation of the institution mainly depends. The Bank, on its part, stipulated that the funds should be safely

kept, that the duties imposed in relation to them should be faithfully discharged, and that for this with other privileges, it would pay to the Government the sum of one million five hundred thousand dollars. These are the stipulations, the execution of which, according to the Secretary's assumption, he has been appointed, as joint agent or trustee, to superintend, and from which he would assume the extraordinary power which he claims over the deposits, to dispose of them in such manner as he may think the public interest or the convenience of the people may require.

Is it not obvious that the whole extent of power conferred upon him, admitting his assumption to be true, is to withhold the deposits in case that the Bank should violate its stipulations in relation to them, on one side ;—and, on the other, to prevent the Government from withholding the deposits, so long as the Bank faithfully performed its part of the contract ? This is the full extent of his power. According to his own showing, not a particle more can be added. But there is another aspect in which the position the Secretary has assumed may be viewed. It offers for consideration not only a question of the extent of his power, but a question as to the nature and extent of duty which has been imposed upon him. If the position be such as he has described, there has been confided to him a trust of the most sacred character, accompanied by duties of the most solemn obligation. He stands, by the mutual confidence of the parties, vested with the high judicial power to determine on the infraction or observance of a contract in which Government and a large and respectable portion of the citizens are deeply interested ; and, in the execution of this high power, he is bound, by honor and conscience, so to act as to protect each of the parties in the full enjoyment of their respective portion of benefit in the contract, so long as they faithfully observe it. How has the Secretary performed these solemn duties, which, according to his representation,

have been imposed upon him? Has he protected the Bank against the aggressions of the Government, or the Government against the unfaithful conduct of the Bank, in relation to the deposits? Or has he, forgetting his sacred obligations, disregarded the interests of both: on one side, divesting the Bank of the deposits—and on the other, defeating the Government in the intended security of the public funds, by seizing on them as the property of the Executive, to be disposed of, at pleasure, to favorite and partisan banks?

But I shall relieve the Secretary from this awkward and disreputable position in which his own arguments have placed him. He is not the mutual trustee, as he has represented, of the Government and the Bank, but simply the agent of the former, vested, under the contract, with power to withhold the deposits,—with a view, as has been stated to their additional security—to their safe-keeping; and if he had but for a moment reflected on the fact that he was directed to report his reasons to Congress only, and not also to the Bank, for withholding the deposits, he could scarcely have failed to perceive that he was simply the agent of one of the parties, and not, as he supposes, a joint agent of both.

The Secretary having established, as he supposes, his right to dispose of the deposits as, in his opinion, the general interest and convenience of the people might require, proceeds to claim and exercise power with a boldness commensurate with the extravagance of the right which he has assumed. He commences with a claim to determine, in his official character, that the Bank of the United States is unconstitutional; a monopoly, baneful to the welfare of the community. Having determined this point, he comes to the conclusion that the charter of the Bank ought not to be renewed, and then assumes that it will not be renewed. Having reached this point, he then determines that it is his duty to remove the deposits. No one can object that Mr.

Taney, as a citizen in his individual character, should entertain an opinion as to the unconstitutionality of the Bank; but that he, acting in his official character, and performing official acts under the charter of the Bank, should undertake to determine that the institution was unconstitutional, and that those who granted the charter, and bestowed on him his power to act under it, had violated the constitution, is an assumption of power of a nature which I will not undertake to characterize, as I wish not to be personal.

But he is not content with the power simply to determine on the unconstitutionality of the Bank. He goes far beyond: he claims to be the organ of the voice of the people. In this high character, he pronounces that the question of the renewal of the Bank charter was put at issue in the last Presidential election, and that the people had determined that it should not be renewed. I do not, said Mr. Calhoun, intend to enter into the argument, whether, in point of fact, the renewal of the charter was put in issue at the last election. That point was ably and fully discussed by the honorable Senators from Kentucky (Mr. Clay) and New Jersey (Mr. Southard), who conclusively proved that no such question was involved in the election; and if it were, the issue comprehended so many others, that it was impossible to conjecture on which the election turned. I look to higher objections. I would inquire by what authority the Secretary of the Treasury constitutes himself the organ of the people of the United States? He has the reputation of being an able lawyer, and can he be ignorant that, so long as the constitution of the United States exists, the only organs of the people of these States, as far as the action of the General Government is concerned, are the several departments, legislative, executive, and judicial, which, acting within the respective limits assigned by the constitution, have a right to pronounce authoritatively the voice of the people? A claim on the part of the Exe-

cutive to interpret, as the Secretary has done, the voice of the people through any other channel, is to shake the foundations of our system. Has the Secretary forgotten that the last step to absolute power is this very assumption which he has claimed for that department? I am thus brought, said Mr. C., to allude to the extraordinary manifesto read by the President to the Cabinet, and which is so intimately connected with the point immediately under consideration. That document, though apparently addressed to the Cabinet, was clearly and manifestly intended as an appeal to the people of the United States, and opens a new and direct organ of communication between the President and them unknown to the constitution and the laws. There are but two channels known to either, through which the President can communicate with the people—by messages to the two Houses of Congress, as expressly provided for in the constitution, or by proclamation, setting forth the interpretations which he places upon a law it has become his official duty to execute. Going beyond, is one among the alarming signs of the times which portend the overthrow of the constitution and the approach of despotic power.

The Secretary, having determined that the Bank was unconstitutional, and that the people had pronounced against the recharter, concludes that Congress had nothing to do with the subject. With a provident foresight, he perceives the difficulty and embarrassment into which the currency of the country would be thrown on the termination of the Bank charter; to prevent which, he proceeds deliberately, with a parental care, to supply a new currency, "equal to or better" than that which Congress had supplied. With this view, he determines on an immediate removal of the deposits; he puts them in certain State institutions, intending to organize them, after the fashion of the Empire State, into a great safety-fund system, but which, unfortunately for the projectors, if not for the country, the limited power of

the State banks did not permit him to effect. But a substitute was found by associating them in certain articles of agreement, and appointing an inspector-general of all this league of banks! And all this without law or appropriation! Is it not amazing that it never occurred to the Secretary that the subject of currency belonged exclusively to Congress, and that to assume to regulate it was a plain usurpation of the powers of this department of the Government?

Having thus assumed the power officially to determine on the constitutionality of the Bank; having erected himself into an organ of the people's voice, and settled the question of the regulation of the currency, he next proceeds to assume judicial powers over the Bank. He declares that the Bank has transcended its powers, and has, therefore, forfeited its charter; for which he inflicts on the institution the severe and exemplary punishment of withholding the deposits; and all this in the face of an express provision investing the Court with power touching the infraction of the charter, directing in what manner the trial should be commenced and conducted, and securing expressly to the Bank the sacred right of trial by jury in finding the facts. All this passed for nothing in the eyes of the Secretary, who was too deeply engrossed in providing for the common welfare to regard either Congress, the Court, or the constitution.

The Secretary next proceeds to supervise the general operations of the Bank, pronouncing, with authority, that at one time it has discounted too freely, and at another too sparingly—without reflecting that all the control which the Government can rightfully exercise over the operations of the institution is through the five directors who represent it in the Board. Directors! Mr. Calhoun exclaimed, did I say? (alluding to the present). No! spies is their proper designation.

I cannot, said Mr. C., proceed with the remarks which

I intended on the remainder of the Secretary's reasons; I have not patience to dwell on assumptions of power so bold, so lawless, and so unconstitutional; they deserve not the name of arguments, and I cannot waste time in treating them as such. There are, however, two which I cannot pass over, not because they are more extraordinary or audacious than the others, but for another quality, which I choose not to designate.

The Secretary alleges that the Bank has interfered with the politics of the country. If this be true, it certainly is a most heinous offence. The Bank is a great public trust, possessing, for the purpose of discharging the trust, great power and influence, which it could not pervert from the object intended to that of influencing the politics of the country without being guilty of a great political crime. In making these remarks, I do not intend to give any countenance to the truth of the charge alleged by the Secretary, nor to deny to the officers of the Bank the right which belongs to them, in common with every citizen, freely to form political principles, and act on them in their private capacity, without permitting them to influence their official conduct. But it is strange it did not occur to the Secretary, while he was accusing and punishing the Bank on the charge of interfering in the politics of the country, that the Government also was a great trust, vested with powers still more extensive, and influence immeasurably greater than that of the Bank, given to enable it to discharge the object for which it was created; and that it has no more right to pervert its power and influence into the means of controlling the politics of the country than the Bank itself. Can it be unknown to him that the fourth auditor of the treasury (an officer in his own department), the man who has made so prominent a figure in this transaction, was daily and hourly meddling in politics, and that he is one of the principal political managers of the administration? Can he be ignorant that the whole

power of the Government has been perverted into a great political machine, with a view of corrupting and controlling the country? Can he be ignorant that the avowed and open policy of the Government is to reward political friends and punish political enemies? and that, acting on this principle, it has driven from office hundreds of honest and competent officers for opinion's sake only, and filled their places with devoted partisans? Can he be ignorant that the real offence of the Bank is not that it *has* intermeddled in politics, but because it *would not* intermeddle on the side of power? There is nothing more dignified than reproof from the lips of innocence, or punishment from the hands of justice; but change the picture—let the guilty reprove and the criminal punish, and what more odious, more hateful, can be presented to the imagination?

The Secretary next tells us, in the same spirit, that the Bank had been wasteful of the public funds. That it has spent some thirty, forty, or fifty thousand dollars—I do not remember the exact amount (trifles have no weight in the determination of so great a question)—in circulating essays and speeches in defence of the institution, of which sum one-fifth part—some seven thousand dollars—belonged to the Government. Well, Sir, if the Bank has really *wasted* this amount of the public money, it is a grave charge. It has not a right to waste a single cent; but I must say, in defence of the Bank, that, assailed as it was by the Executive, it would have been unfaithful to its trust, both to the stockholders and to the public, had it not resorted to every proper means in its power to defend its conduct, and, among others, the free circulation of able and judicious publications.

But admit that the Bank has been guilty of wasting the public funds to the full extent charged by the Secretary, I would ask if he, the head of the financial department of the Government, is not under as high and solemn obligation to take care of the moneyed interest of the public as the

Bank itself. I would ask him to answer me a few simple questions:—How has he performed this duty in relation to the interest which the public holds in the Bank? Has he been less wasteful than he has charged the bank to have been? Has he not wasted thousands, where the Bank, even according to his own statement, has hundreds? Has he not, by withdrawing the deposits, and placing them in the State banks, where the public receives not a cent of interest, greatly affected the dividends of the Bank of the United States, in which the Government, as a stockholder, is a loser to the amount of one-fifth of the diminution? a sum which, I will venture to predict, will many fold exceed the entire amount which the Bank has expended in its defence. But this is a small, a very small proportion of the public loss in consequence of the course which the Executive has pursued in relation to the Bank, and which has reduced the value of the shares from 130 to 108 (a Senator near me says much more.—It may be; I am not particular in such things), and on which the public sustains a corresponding loss on its share of the stock, amounting to seven millions of dollars—a sum more than two hundred fold greater than the waste which he has charged upon the Bank. Other administrations may exceed this in talents, patriotism, and honesty; but, certainly, in audacity, in effrontery, it stands without a parallel!

The Secretary has brought forward many and grievous charges against the Bank. I will not condescend to notice them—it is the conduct of the Secretary, and not that of the Bank, which is immediately under examination; and he has no right to drag the conduct of the Bank into the issue, beyond its operations in regard to the deposits. To that extent I am prepared to examine his allegations against it, but beyond that he has no right—no, not the least—to arraign the conduct of the Bank; and I, for one, will not, by noticing his charges beyond that point, sanction his authority

to call its conduct in question. But let the point in issue be determined, and I, as far as my voice extends, will give to those who desire it, the means of the freest and most unlimited inquiry into its conduct. I am no partisan of the Bank—I am connected with it in no way, by moneyed or political ties. I might say, with truth, that the Bank owes as much to me as any other individual in the country; and I might even add, that had it not been for my efforts, it would not have been chartered. Standing in this relation to the institution, a high sense of delicacy—a regard to independence and character—has restrained me from any connection with the institution whatever, except some trifling accommodations in the way of ordinary business, which were not of the slightest importance either to the Bank or myself.

But while I shall not condescend to notice the charges of the Secretary against the Bank, beyond the extent which I have stated, a sense of duty to the institution, and regard to the part which I took in its creation, compels me to notice two allegations against it which have fallen from another quarter. It is said that the Bank had no agency, or at least efficient agency, in the restoration of specie payments in 1817, and that it had failed to furnish the country with a uniform and sound currency, as had been promised at its creation. Both of these allegations I pronounce to be without just foundation. To enter into a minute examination of them would carry me too far from the subject, and I must content myself with saying that, having been on the political stage, without interruption, from that day to this—having been an attentive observer of the question of the currency throughout the whole period—the Bank has been an indispensable agent in the restoration of specie payments; that, without it, the restoration could not have been effected short of the utter prostration of all the moneyed institutions of the country, and an entire depreciation of bank paper; and that it has

not only restored specie payments, but has given a currency far more uniform between the extremes of the country than was anticipated, or even dreamed of, at the time of its creation. I will say for myself, that I did not believe at the time, that the exchange between the Atlantic and the West would be brought lower than two and a half per cent.—the estimated expense then, including insurance and loss of time, of transporting specie between the two points. How much it was below the anticipated point I need not state: the whole commercial world knows that it was not a fourth part at the time of the removal of the deposits.

But to return from this digression. Though I will not notice the charges of the Secretary, for the reasons already stated, I will take the liberty of propounding to those who support them on this floor a few plain questions. If there be in banking institutions an inherent tendency so strong to abuse and corruption as they contend—if, in consequence of this tendency, the Bank of the United States be guilty of the enormous charges and corruptions alleged, notwithstanding its responsibility to the Government and our control over it, what is to be expected from an irresponsible league of banks, as called by the Senator from Kentucky (Mr. Clay), over which we have no legal control? If our power of renewing the charter of the Bank of the United States—if our right to vacate the charter by *scire facias*, in case of misconduct—if the influence which the appointment of five Government directors gives us—and, finally, if the power which we have of appointing committees to examine into its condition, are not sufficient to hold the institution in check; if, in spite of all these, it has, from the innate corruption of such institutions, been guilty of the enormous abuses and crimes charged against it, what may we not expect from the associated banks, the favorites of the treasury, over the renewal of whose charters the Government has no power,—against which it can issue no *scire facias*,—in whose direction it has

not a single individual,—and into whose conduct Congress can appoint no committee to look? With these checks all withdrawn, what will be the condition of the public funds?

I stated, said Mr. Calhoun, in the outset of my remarks, that, broad as was the power which the Secretary had assumed in relation to the deposits, there was a portion of the transaction of a highly important character, to which he has not alluded, and in relation to which he has not even attempted a justification. I will now proceed to make good this assertion to the letter.

There is a material difference between *withholding* money from going into the Bank, and *withdrawing* it after it has been placed there. The former is authorized in the manner which I have stated, under the sixteenth section, which directs, as has been frequently said, that the public money shall be deposited in the Bank, unless otherwise ordered by the Secretary of the Treasury. But neither that section, nor any portion of the act incorporating the Bank, nor, in truth, any other act, gives the Secretary any authority of himself to *withdraw* public money deposited in the Bank. There is, I repeat, a material difference between *withholding* public money from deposit and *withdrawing* it. When paid into the place designated by law as the deposit of the public money, it passes to the credit of the Treasurer, and then is in the treasury of the United States, where it is placed under the protection of the constitution itself, and from which, by an express provision of the constitution, it can only be withdrawn by an appropriation made by law. So careful were the framers of the act of 1816 to leave nothing to implication, that express authority is given to the Secretary of the Treasury, in the fifteenth section, to transfer the deposits from one place to another, for the convenience of disbursements; but which, by a strange perversion, is now attempted to be so construed as to confer on the Secretary the

power to withdraw the money from the deposit, and loan it to favorite State banks—I express myself too favorably, I should say give (they pay no interest)—with a view to sustain their credits or enlarge their profits—a power not only far beyond the Secretary, but which Congress itself could not exercise without a flagrant breach of the constitution. But it is said, in answer to these views, that money paid in deposit into the Bank, as directed by law, is not in the treasury. I will not stop, said Mr. C., to reply to such an objection. If it be not in the treasury, where is the treasury? If it be not money in the treasury, where is the money annually reported to be in the treasury? where the eight or nine millions which, by the annual report of the Secretary, are said to be now in the treasury? Are we to understand that none of this money is, in truth, in the treasury? that it is floating about at large, subject to be disposed of, to be given away, at the will of the Executive, to favorites and partisans? So it would seem; for it appears, by a correspondence between the Treasurer and the Cashier of the Bank, derived through the Bank (the Secretary not deeming it worth while to give the slightest information of the transaction, as if a matter of course), that he has drawn out two millions and a quarter of the public money without appropriation, and distributed it at pleasure among his favorites!

But it is attempted to vindicate the conduct of the Secretary on the ground of precedent. I will not stop to notice whether the cases cited are in point, nor will I avail myself of the great and striking advantage that I might have on the question of precedent. This case stands alone and distinct from all others. There is none similar to it in magnitude and importance. I waive all this: I place myself on higher grounds—I stand on the immovable principle that, on a question of law and constitution, in a deliberative assembly, there is no room—no place for precedents. To admit them would

be to make the *violation of to-day the law and constitution of to-morrow ; and to substitute in the place of the written and sacred will of the people and the legislature, the infractions of those charged with the execution of the laws.* Such, in my opinion, is the relative force of law and constitution on one side, as compared with precedents on the other. Viewed in a different light, not in reference to the law or constitution, but to the conduct of the officer, I am disposed to give rather more weight to precedents, when the question relates to an excuse or apology for the officer, in case of infraction. If the infraction be a trivial one, in a case not calculated to excite attention, an officer might fairly excuse himself on the ground of precedent ; but in one like this, of the utmost magnitude, involving the highest interests and most important principles —where the attention of the officer must be aroused to a most careful examination, he cannot avail himself of the plea of precedent to excuse his conduct. It is a case where false precedents are to be *corrected,* and not *followed.* An officer ought to be ashamed, in such a case, to attempt to vindicate his conduct on a charge of violating law or constitution by pleading precedents. The principle in such case is obvious. If the Secretary's right to withdraw public money from the treasury be clear, he has no need of precedents to vindicate him. If not, he ought not, in a case of so much magnitude, to have acted.

I have not, said Mr. Calhoun, touched a question, which has had so prominent a part in the debate—whether the withholding of the deposits was the act of the Secretary or the President. Under my view of the subject, the question is not of the slightest importance. It is equally unauthorized and illegal, whether done by President or Secretary ; but, as the question has been agitated, and as my views do not entirely correspond on this point with those advocating the side which I do, I deem it due to frankness to express my sentiments.

I have no doubt that the President removed the former Secretary, and placed the present in his place, expressly with a view to the removal of the deposits. I am equally clear, under all the circumstances of the case, that the President's conduct is wholly indefensible; and, among other objections, I fear he had in view, in the removal, an object eminently dangerous and unconstitutional—to give an advantage to his veto never intended by the constitution—a power intended as a shield to protect the Executive against the encroachment of the legislative department—to maintain the *present state of things* against dangerous or hasty innovation—but which, I fear, is, in this case, intended as a sword to defend the usurpation of the Executive. I say I fear; for, although the circumstances of this case lead to a just apprehension that such is the intention, I will not permit myself to assert that such is the fact—that so lawless and unconstitutional an object is contemplated by the President, till his act shall compel me to believe to the contrary. But while I thus severely condemn the conduct of the President in removing the former Secretary and appointing the present, I must say that, in my opinion, it is a case of the *abuse*, and not of the *usurpation* of power. The President has the right of removal from office. The power of removal, wherever it exists, does, from necessity, involve the power of general supervision; nor can I doubt that it might be constitutionally exercised in reference to the deposits. Reverse the present case: suppose the late Secretary, instead of being against, had been in favor of the removal, and that the President, instead of for, had been against it, deeming the removal not only inexpedient, but, under the circumstances, illegal; would any man doubt that, under such circumstances, he had a right to remove his Secretary, if it were the only means of preventing the removal of the deposits? Nay, would it not be his indispensable duty to have removed him? and had he not, would he not have been universally, and justly, held responsible?

I have now, said Mr. C., offered all the remarks I intended in reference to the deposit question; and, on reviewing the whole ground, I must say, that the Secretary, in removing the deposits, has clearly transcended his power; that he has violated the contract between the Bank and the United States; that, in so doing, he has deeply injured that large and respectable portion of our citizens who have been invited, on the faith of the Government, to invest their property in the institution; while, at the same time, he has deeply injured the public in its character of stockholder; and, finally, that he has inflicted a deep wound on the public faith. To this last I attribute the present embarrassment in the currency, which has so injuriously affected all the great interests of the country. The credit of the country is an important portion of the currency of the country—credit in every shape, public and private—credit, not only in the shape of paper, but that of faith and confidence between man and man—through the agency of which, in all its forms, the great and mighty exchanges of this commercial country, at home and abroad, are, in a great measure, effected. To inflict a wound any where, particularly on the public faith, is to embarrass all the channels of currency and exchange; and it is to this, and not to the withdrawing the few millions of dollars from circulation, that I attribute the present moneyed embarrassment. Did I believe the contrary—if I thought that any great and permanent distress would, of itself, result from winding up, in a regular and legal manner, the present or any other Bank of the United States, I would deem it an evidence of the dangerous power of the institution, and, to that extent, an argument against its existence. But, as it is, I regard the present embarrassment, not as an argument against the Bank, but an argument against the lawless and wanton exercise of power on the part of the Executive—an embarrassment which is likely to continue if the deposits be not restored. The banks which have received them, at the

expense of the public faith, and in violation of law, will never be permitted to enjoy their spoils in quiet. No one who regards the subject in the light in which I do, can ever give his sanction to any law intended to protect or carry through the present illegal arrangement; on the contrary, all such must feel bound to wage perpetual war against an usurpation of power so flagrant as that which controls the present deposits of the public money. If I stand alone, said Mr. Calhoun, I, at least, will continue to maintain the contest so long as I remain in public life.

As important, said Mr. Calhoun, as I consider the question of the deposits, in all its bearings, public and private, it is one on the surface—a mere pretext to another, and one greatly more important, which lies beneath, and which must be taken into consideration, to understand correctly all the circumstances attending this extraordinary transaction. It is felt and acknowledged on all sides that there is another and a deeper question, which has excited the profound sensation and alarm which pervade the country.

If we are to believe what we hear from the advocates of the administration, we would suppose at one time that the real question was, Bank or no Bank; at another, that the question was between the United States Bank and the State banks; and, finally, that it was a struggle on the part of the administration to guard and defend the rights of the States against the encroachments of the General Government. The administration the guardians and defenders of the rights of the States! What shall I call it? audacity or hypocrisy? The authors of the Proclamation the guardians and defenders of the rights of the States! The authors of the war message against a member of this confederacy—the authors of the "bloody bill" the guardians and defenders of the rights of the States! This a struggle for State Rights! No, Sir: State Rights are no more. The struggle is over for the present. The bill of the last session, which vested in the

Government the right of judging of the extent of its powers, finally and conclusively, and gave it the power of enforcing its judgments by the sword, destroyed all distinction between delegated and reserved rights—concentrated in the Government the entire powers of the system, and prostrated the States, as poor and helpless corporations, at the foot of this sovereignty.

Nor is it more true that the real question is, Bank or no Bank. Taking the deposit question in the broadest sense,—suppose, as is contended by the friends of the administration, that it involves the question of the renewal of the charter, and, consequently, the existence of the Bank itself,—still the banking system would stand almost untouched and unimpaired. Four hundred banks would still remain scattered over this wide republic, and on the ruins of the United States Bank many would rise to be added to the present list. Under this aspect of the subject, the only possible question that could be presented for consideration would be, whether the banking system was more safe, more beneficial, or more constitutional, with or without the United States Bank.

If, said Mr. Calhoun, this was a question of Bank or no Bank ; if it involved the existence of the banking system, it would, indeed, be a great question—one of the first magnitude ; and, with my present impressions, long entertained and daily deepening, I would hesitate—long hesitate—before I would be found under the banner of the system. I have great doubts, if doubts they may be called, as to the soundness and tendency of the whole system, in all its modifications : I have great fears that it will be found hostile to liberty and the advance of civilization—fatally hostile to liberty in our country, where the system exists in its worst and most dangerous form. Of all institutions affecting the great question of the distribution of wealth—a question least explored and the most important of any in the whole range of politi-

cal economy—the banking institution has, if not the greatest, one of the greatest, and, I fear, most pernicious influences. Were the question really before us, I would not shun the responsibility, as great as it might be, of freely and fully offering my sentiments on these deeply important points; but, as it is, I must content myself with the few remarks which I have thrown out.

What, then, is the real question which now agitates the country? I answer, it is a struggle between the executive and legislative departments of the Government—a struggle, not in relation to the existence of the Bank, but whether Congress or the President should have the power to create a Bank, and the consequent control over the currency of the country. This is the real question. Let us not deceive ourselves: this league, this association of banks, created by the Executive, bound together by its influence, united in common articles of association, vivified and sustained by receiving the deposits of the public money, and having their notes converted, by being received every where by the treasury, into the common currency of the country, is, to all intents and purposes, a Bank of the United States—the Executive Bank of the United States, as distinguished from that established by Congress. However it might fail to perform satisfactorily the useful functions of the Bank of the United States as incorporated by law, it would outstrip it—far outstrip it—in all its dangerous qualities, in extending the power, the influence, and the corruption of the Government. It is impossible to conceive any institution more admirably calculated to advance these objects. Not only the selected banks, but the whole banking institutions of the country, and with them the entire money power, for the purpose of speculation, peculation, and corruption, would be placed under the control of the Executive. A system of menaces and promises will be established: of menace to the banks in possession of the deposits, but which might not be entirely sub-

servient to Executive views ; and of promise of future favors to those who may not as yet enjoy its favors. Between the two, the banks would be left without influence, honor, or honesty, and a system of speculation and stock-jobbing would commence, unequalled in the annals of our country. I fear they have already commenced ; I fear the means which have been put in the hands of the minions of power by the removal of the deposits, and placing them in the vaults of dependent banks, have extended their cupidity to the public lands, particularly in the Southwest, and that to this we must attribute the recent phenomena in that quarter—immense and valuable tracts of land sold at short notice ; sales fraudulently postponed to aid the speculators, with which, if I am not misinformed, a name not unknown to this body has performed a prominent part. But I leave this to my vigilant and able friend from Mississippi (Mr. Poindexter), at the head of the Committee on Public Lands, who, I doubt not, will see justice done to the public. As to stock-jobbing, this new arrangement will open a field which Rothschild himself may envy. It has been found hard work—very hard, no doubt—by the jobbers in stock, who have been engaged in attempts to raise or depress the price of United States Bank stock ; but no work will be more easy than to raise or depress the price of the stock of the selected banks, at the pleasure of the Executive. Nothing more will be required than to give or withhold deposits ; to draw, or abstain from drawing warrants ; to pamper them at one time, and starve them at another. Those who would be in the secret, and who would know when to buy and when to sell, would have the means of realizing, by dealing in the stocks, whatever fortune they might please.

So long as the question is one between a Bank of the United States incorporated by Congress, and that system of banks which has been created by the will of the Executive, it is an insult to the understanding to discourse on the per-

nicious tendency and unconstitutionality of the Bank of the United States. To bring up that question fairly and legitimately, you must go one step further; you must *divorce* the Government and the banking system. You must refuse all connection with banks. You must neither receive nor pay away bank-notes; you must go back to the old system of the strong box, and of gold and silver. If you have a right to receive bank-notes at all—to treat them as money by receiving them in your dues, or paying them away to creditors—you have a right to create a bank. Whatever the Government receives and treats as money, is money in effect; and if it be money, then they have the right, under the constitution, to regulate it. Nay, they are bound by a high obligation to adopt the most efficient means, according to the nature of that which they have recognized as money, to give it the utmost stability and uniformity of value. And if it be in the shape of bank-notes, the most efficient means of giving those qualities is a Bank of the United States, incorporated by Congress. Unless you give the highest practical uniformity to the value of bank-notes, so long as you receive them in your dues, and treat them as money, you violate that provision of the constitution which provides that taxation shall be uniform throughout the United States. There is no other alternative: I repeat, you must *divorce* the Government entirely from the banking system, or, if not, you are bound to incorporate a bank as the only safe and efficient means of giving stability and uniformity to the currency. And should the deposits not be restored, and the present illegal and unconstitutional connection between the Executive and the league of banks continue, I shall feel it my duty, if no one else moves, to introduce a measure to prohibit Government from receiving or touching bank-notes in any shape whatever, as the only means left of giving safety and stability to the currency, and saving the country from corruption and ruin.

Viewing the question, in its true light, as a struggle on the part of the Executive to seize on the power of Congress, and to unite in the President the power of the sword and the purse, the Senator from Kentucky (Mr. Clay) said, truly, and, let me add, philosophically, that we are in the midst of a revolution. Yes, the very existence of free governments rests on the *proper distribution and organization of power;* and to destroy this distribution, and thereby concentrate power in any one of the departments, is to effect a revolution. But, while I agree with the Senator that we are in the midst of a revolution, I cannot agree with him as to the time at which it commenced, or the point to which it has progressed. Looking to the distribution of the powers of the General Government into the legislative, executive, and judicial departments—and confining his views to the encroachments of the executive upon the legislative, he dates the commencement of the revolution but sixty days previous to the meeting of the present Congress. I, said Mr. Calhoun, take a wider range, and date it from an earlier period. Besides the distribution among the departments of the General Government, there belongs to our system another, and a far more important division or distribution of power—that between the States and the General Government, the reserved and delegated rights, the maintenance of which is still more essential to the preservation of our institutions. Taking this wide view of our political system, the revolution in the midst of which we are, began, not, as supposed by the Senator from Kentucky, shortly before the commencement of the present session, but many years ago, with the commencement of the restrictive system; and terminated its first stage with the passage of the force bill of the last session, which absorbed all the rights and sovereignty of the States, and consolidated them in this Government. While this process was going on, of absorbing the reserved powers of the States on the part of the General Government, another commenced, of concentrating in the

Executive the powers of the other two, the legislative and judicial departments of the Government, which constitutes the second stage of the revolution, in which we have advanced almost to the termination.

The Senator from Kentucky, in connection with this part of his argument, read a striking passage from one of the most pleasing and instructive writers in any language (Plutarch), giving the description of Cæsar forcing himself, sword in hand, into the treasury of the Roman Commonwealth. We are at the same stage of our political revolution, and the analogy between the two cases is complete, varied only by the character of the actors and the circumstances of the times. That was a case of an intrepid and bold warrior, as an open plunderer, seizing forcibly the treasury of the country, which, in that republic, as well as ours, was confided to the custody of the legislative department of the government. The actors in our case are of a different character: artful and cunning politicians, and not fearless warriors. They have entered the treasury, not sword in hand, as public plunderers, but with the false keys of sophistry, under the silence of midnight. The motive and object are the same, varied only by character and circumstances. "With money I will get men, and with men money," was the maxim of the Roman plunderer. With money we will get partisans, with partisans votes, and with votes money, is the maxim of our public pilferers. With men and money, Cæsar struck down Roman liberty at the fatal battle of Pharsalia, never to rise again; from which disastrous hour, all the powers of the Roman Republic were consolidated in the person of Cæsar, and perpetuated in his line. With money and corrupt partisans, a great effort is now making to choke and stifle the voice of American liberty, through all its constitutional and legal organs; by pensioning the press; by overawing the other departments; and, finally, by setting up a new organ, composed of office-holders and partisans, under the name

of a National Convention, which, counterfeiting the voice of the people, will, if not resisted, in their name dictate the *succession;* when the deed will have been done—the revolution completed—and all the powers of our republic, in like manner, consolidated in the Executive, and perpetuated by his dictation.

The Senator from Kentucky (Mr. C.) anticipates with confidence that the small party who were denounced at the last session as traitors and disunionists will be found, on this occasion, standing in the front rank, and manfully resisting the advance of despotic power. I, said Mr. Calhoun, heard the anticipation with pleasure, not on account of the compliment which it implied, but the evidence which it affords that the cloud which has been so industriously thrown over the character and motives of that small, but patriotic party, begins to be dissipated. The Senator hazarded nothing in the prediction. That party is the determined, the fixed, and sworn enemy to usurpation, come from what quarter and under what form it may—whether from the Executive upon the other departments of this Government, or from this Government on the sovereignty and rights of the States. The resolution and fortitude with which it maintained its position at the last session, under so many difficulties and dangers, in defence of the States against the encroachments of the General Government, furnished evidence not to be mistaken, that that party, in the present momentous struggle, will be found arrayed in defence of the rights of Congress against the encroachments of the President. And let me tell the Senator from Kentucky, said Mr. C., that, if the present struggle against Executive usurpation be successful, it will be owing to the success with which we, the nullifiers—I am not afraid of the word—maintained the rights of the States against the encroachments of the General Government at the last session.

A very few words will place this beyond controversy.

To the interposition of the State of South Carolina we are indebted for the adjustment of the tariff question; without it, all the influence of the Senator from Kentucky over the manufacturing interest, great as it deservedly is, would have been wholly incompetent, if he had even thought proper to exert it, to adjust the question. The attempt would have prostrated him, and those who acted with him, and not the system. It was the separate action of the State that gave him the place to stand upon, created the necessity for the adjustment, and disposed the minds of all to compromise. Now, I put the solemn question to all who hear me, If the tariff had not been adjusted—if it was now an open question—what hope of successful resistance against the usurpations of the Executive, on the part of this or any other branch of the Government, could be entertained? Let it not be said that this is the result of accident—of an unforeseen contingency. It was clearly perceived, and openly stated, that no successful resistance could be made to the corruption and encroachments of the Executive while the tariff question remained open—while it separated the North from the South, and wasted the energies of the honest and patriotic portions of the community against each other, the joint effort of which is indispensably necessary to expel those from authority who are converting the entire powers of Government into a corrupt electioneering machine; and that, without separate State interposition, the adjustment was impossible. The truth of this position rests not upon the accidental state of things, but on a profound principle growing out of the nature of government and party struggles in a free state. History and reflection teach us that, when great interests come into conflict, and the passions and the prejudices of men are roused, such struggles can never be composed by the influence of any individual, however great; and if there be not somewhere in the system some high constitutional power to arrest their progress, and compel the parties to adjust the

difference, they go on till the state falls by corruption or violence.

I will, said Mr. C., venture to add to these remarks another, in connection with the point under consideration, not less true. We are not only indebted to the cause which I have stated for our present strength in this body against the present usurpation of the Executive, but if the adjustment of the tariff had stood alone, as it ought to have done, without the odious bill which accompanied it—if those who led in the compromise had joined the State Rights party in their resistance to that unconstitutional measure, and thrown the responsibility on its real authors, the administration, their party would have been so prostrated throughout the entire South, and their power, in consequence, so reduced, that they would not have dared to attempt the present measure ; or, if they had, they would have been broken and defeated.

Were I, said Mr. C., to select the case best calculated to illustrate the necessity of resisting usurpation at the very commencement, and to prove how difficult it is to resist it in any subsequent stage if not met at first, I would select this very case. What, he asked, is the cause of the present usurpation of power on the part of the Executive ? What the motive, the temptation, which has induced him to seize on the deposits ? What but the large surplus revenue ? the eight or ten millions in the public treasury beyond the wants of the Government ? And what has put so large an amount of money in the treasury, when not needed ? I answer, the protective system—that system which graduated duties, not in reference to the wants of the Government, but in reference to the importunities and demands of the manufacturers,—and which poured millions of dollars into the treasury beyond the most profuse demands, and even the extravagance of the Government—taken—unlawfully taken, from the pockets of those who honestly made it. I hold that those who make are entitled to what they make against all the world, except

the Government; and against it, except to the extent of its legitimate and constitutional wants; and that for the Government to take one cent more is robbery. In violation of this sacred principle, *Congress first* removed the deposits into the public treasury from the pockets of those who made it, and where they were rightfully placed by all laws, human and divine. The Executive, in his turn, following the example, has taken them from that deposit, and distributed them among favorite and partisan banks. The means used have been the same in both cases. The constitution gives to Congress the power to lay duties with a view to revenue. This power, without regarding the object for which it was intended, forgetting that it was a great trust power, necessarily limited, by the very nature of such powers, to the subject and the object of the trust, was perverted to a use never intended—that of protecting the industry of one portion of the country at the expense of another; and, under this false interpretation, the money was transferred from its natural and just deposit—the pockets of those who made it—into the public treasury, as I have stated. In this, too, the Executive followed the example of Congress.

By the magic construction of a few simple words—"unless otherwise ordered"—intended to confer on the Secretary of the Treasury a limited power—to give additional security to the public deposits, he has, in like manner, perverted this power, and made it the instrument, by similar sophistry, of drawing the money from the treasury, and bestowing it, as I have stated, on favorite and partisan banks. Would to God, said Mr. C.—would to God I could reverse the whole of this nefarious operation, and terminate the controversy by returning the money to the pockets of the honest and industrious citizens, by the sweat of whose brows it was made, and to whom only it rightfully belongs. But, as this cannot be done, I must content myself by giving a vote to re-

turn it to the public treasury, where it was ordered to be deposited by an act of the legislature.

There is another aspect, said Mr. C., in which this subject may be viewed. We all remember how early the question of the surplus revenue began to agitate the country. At a very early period, a Senator from New Jersey (Mr. Dickerson) presented his scheme for disposing of it by distributing it among the States. The first message of the President recommended a similar project, which was followed up by a movement on the part of the Legislature of New-York, and, I believe, some of the other States. The public attention was aroused—the scheme scrutinized—its gross unconstitutionality and injustice, and its dangerous tendency—its tendency to absorb the power and existence of the States, were clearly perceived and denounced. The denunciation was too deep to be resisted, and the scheme was abandoned. What have we now in lieu of it? What is the present scheme but a distribution of the surplus revenue? A distribution at the sole will and pleasure of the Executive—a distribution to favorite banks, and through them, in the shape of discounts and loans, to corrupt partisans, as the means of increasing political influence.

We have, said Mr. C., arrived at a fearful crisis. Things cannot long remain as they are. It behooves all who love their country—who have affection for their offspring, or who have any stake in our institutions, to pause and reflect. Confidence is daily withdrawing from the General Government. Alienation is hourly going on. These will necessarily create a state of things inimical to the existence of our institutions, and, if not arrested, convulsions must follow; and then comes dissolution or despotism, when a thick cloud will be thrown over the cause of liberty and the future prospects of our country.

SPEECH

On the proposition of Mr. Webster to recharter the Bank of the United States, delivered in the Senate, March 21st, 1834.

[NOTE.—The question being upon granting leave to Mr. Webster to introduce into the Senate a bill to recharter, for the term of six years, the Bank of the United States, with modifications:]

I RISE, said Mr. Calhoun, in order to avail myself of an early opportunity to express my opinion on the measure proposed by the Senator from Massachusetts, and the questions immediately connected with it; under the impression that, on a subject so intimately connected with the interests of every class in the community, there should be an early declaration of their sentiments by the members of this body, so that all may know what to expect, and on what to calculate.

I shall vote for the motion of the Senator, not because I approve of the measure he proposes, but because I consider it due in courtesy to grant leave, unless there be strong reasons to the contrary, which is not the case in this instance; but while I am prepared to vote for his motion, and, let me add, to do ample justice to his motives for introducing the bill, I cannot approve of the measure he proposes. In every view which I have been able to take, it is objectionable. Among the objections, I place the uncertainty as to its object. It is left entirely open to conjecture whether a renewal of the charter is intended, or a mere continuance, with the view of affording the Bank time to wind up its affairs; and what increases the uncertainty is, if we apply the provisions of the proposed bill to the one or the other of these objects, it is equally unsuited to either. If a renewal of the charter be

intended, six years is too short; if a continuance, too long. I, however, state this as a minor objection. There is another of far more decisive character: it settles nothing; it leaves every thing unfixed; it perpetuates the present struggle, which so injuriously agitates the country—a struggle of bank against bank—of one set of opinions against another; and prolongs the whole, without even an intervening armistice, to the year 1842: a period that covers two presidential terms, and by inevitable consequence, running, for two successive presidential elections, the politics of the country into the bank question, and the bank question into politics, with the mutual corruption which must be engendered; keeping, during the whole period, the currency of the country, which the public interest requires should have the utmost stability, in a state of uncertainty and fluctuation.

But why should I pursue the objections to the plan proposed by the Senator? He, himself, acknowledged the measure to be defective, and that he would prefer one of a more permanent character. He has not proposed this as the best measure, but has brought it forward under a supposed necessity—under the impression that something must be done—something prompt and immediate, to relieve the existing distress which overspreads the land. I concur with him in relation to the distress, that it is deep and extensive; that it fell upon us suddenly, and in the midst of prosperity almost unexampled; that it is daily consigning hundreds to poverty and misery; blasting the hopes of the enterprising; taking employment and bread from the laborer; and working a fearful change in the relative condition of the money dealers on one side, and the man of business on the other—raising the former rapidly to the top of the wheel, while it is whirling the latter, with equal rapidity, to the bottom. While I thus agree with the Senator as to the distress, I am also sensible that there are great public emergencies in which no permanent relief can be afforded, and when the wisest

are obliged to resort to expedients ; to palliate and to temporize, in order to gain time with a view to apply a more effectual remedy. But there are also emergencies of precisely the opposite character ; when the best and most permanent is the only practicable measure, and when mere expedients tend but to distract, to divide, and confound, and thereby to delay or defeat all relief ; and such, viewed in all its relations and bearing, I consider the present ; and that the Senator from Massachusetts also has not so considered it, I attribute to the fact that, of the two questions blended in the subject under consideration, he has given an undue prominence to that which has by far the least relative importance—I mean those of the Bank and of the currency. As a mere bank question, as viewed by the Senator, it would be a matter of but little importance whether the renewal should be for six years or for a longer period ; and a preference might very properly be given to one or the other, as it might be supposed most likely to succeed ; but I must say, that, in my opinion, in selecting the period of six years, he has taken that which will be much less likely to succeed than one of a reasonable and proper duration. But had he turned his view to the other and more prominent question involved ; had he regarded the question as a question of currency, and that the great point was to give it uniformity, permanency, and safety ; that, in effecting these essential objects, the Bank is a mere subordinate agent, to be used or not to be used, and to be modified, as to its duration and other provisions, wholly in reference to the higher question of the currency, I cannot think he would ever have proposed the measure which he has brought forward, which leaves, as I have already said, every thing connected with the subject in a state of uncertainty and fluctuation.

All feel that the currency is a delicate subject, requiring to be touched with the utmost caution ; but in order that it may be seen as well as felt why it is so delicate—why slight

touches, either in depressing or elevating it, agitate and convulse the whole community, I will pause to explain the cause. If we take the aggregate property of a community, that which forms the currency constitutes, in value, a very small proportion of the whole. What this proportion is in our country and other commercial and trading communities, is somewhat uncertain. I speak conjecturally in fixing it as one to twenty-five or thirty, though I presume this is not far from the truth; and yet this small proportion of the property of the community regulates the value of all the rest, and forms the medium of circulation by which all its exchanges are effected; bearing, in this respect, a striking similarity, considering the diversity of the subjects, to the blood in the human or animal system.

If we turn our attention to the laws which govern the circulation, we shall find one of the most important to be, that, as the circulation is decreased or increased, the rest of the property will, all other circumstances remaining the same, be decreased or increased in value exactly in the same proportion. To illustrate: If a community should have an aggregate amount of property of thirty-one millions of dollars, of which one million constitutes its currency; and that one million should be reduced one-tenth part, that is to say, one hundred thousand dollars, the value of the rest will be reduced in like manner one-tenth part, that is, three millions of dollars. And here a very important fact discloses itself, which explains why the currency should be touched with such delicacy, and why stability and uniformity are such essential qualities; I mean that a small absolute reduction of the currency makes a great absolute reduction of the value of the entire property of the community, as we see in the case supposed; where a reduction of one hundred thousand dollars in the currency reduces the aggregate value of property three millions of dollars—a sum thirty times greater than the reduction of the currency. From this results an important

consideration. If we suppose the entire currency to be in the hands of one portion of the community, and the property in the hands of the other portion, the former, by having the currency under their exclusive control, might control the value of all the property in the community, and possess themselves of it at their pleasure. Take the case already selected, and suppose that those who hold the currency diminish it one-half by abstracting that amount from circulation—the effect of which would be to reduce the circulation to five hundred thousand dollars; the value of property would also be reduced one-half, that is, fifteen millions of dollars. Let the process be reversed, and the money abstracted gradually restored to circulation, and the value of the property would again be increased to thirty millions. It must be obvious that, by alternating these processes, and purchasing at the point of the greatest depression, when the circulation is the least, and selling at the point of the greatest elevation, when it is the fullest, the supposed moneyed class, who could at pleasure increase or diminish the circulation, by abstracting or restoring it, might also at pleasure control the entire property of the country. Let it ever be borne in mind, that the exchangeable value of the circulating medium, compared with the property and the business of the community, remains fixed, and can never be diminished or increased by increasing or diminishing its quantity; while, on the contrary, the exchangeable value of the property, compared to the currency, must increase or decrease with every addition or diminution of the latter. It results, from this, that there is a dangerous antagonist relation between those who hold or command the currency and the rest of the community; but, fortunately for the country, the holders of property and of the currency are so blended as not to constitute separate classes. Yet it is worthy of remark—it deserves strongly to attract the attention of those who have charge of the public affairs—that under the operation of the banking system,

and that peculiar description of property existing in the shape of credit or stock, public or private, which so strikingly distinguishes modern society from all that has preceded it, there is a strong tendency to create a separate moneyed interest, accompanied with all the dangers which must necessarily result from such interest, and which deserves to be most carefully watched and restricted.

I do not stand here the partisan of any particular class in society—the rich or the poor, the property holder or the money holder; and, in making these remarks, I am not actuated by the slightest feeling of opposition to the latter. My object is simply to point out important relations that exist between them, resulting from the laws which govern the currency, in order that the necessity of an uniform, stable, and safe currency, to guard against the dangerous control of one class over another, may be clearly seen. I stand in my place simply as a Senator from South Carolina, to represent her on this floor, and to advance the common interest of these States as far as we have the constitutional power, and as far as it can be done consistently with equity and justice to the parts. I am the partisan, I have said, of no class, nor, let me add, of any political party. I am neither of the opposition nor of the administration. If I act with the former in any instance, it is because I approve of its course on the particular occasion; and I shall always be happy to act with them when I do approve. If I oppose the administration—if I desire to see power change hands—it is because I disapprove of the general course of those in authority—because they have departed from the principles on which they came into office—because, instead of using the immense power and patronage put in their hands to secure the liberty of the country and advance the public good, they have perverted them into party instruments for personal objects. But mine has not been, nor will it be, a systematic opposition. Whatever measure of theirs I may deem right, I shall cheerfully

support; and I only desire that they shall afford me more frequent occasions for support, and fewer for opposition, than they have heretofore done.

With these impressions, and entertaining a deep conviction that an unfixed, unstable, and fluctuating currency is to be ranked among the most fruitful sources of evil, whether viewed politically or in reference to the business transactions of the country, I cannot give my consent to any measure that does not place the currency on a solid foundation. If I thought this determination would delay the relief so necessary to mitigate the present calamity, it would be to me a subject of the deepest regret. I feel that sympathy which I trust I ought for the sufferings of so many of my fellow-citizens, who see their hopes daily withered. I, however, console myself with the reflection that delay will not be the result of, but, on the contrary, relief will be hastened by, the view which I take of the subject. I hold it impossible that any thing can be effected, regarding the subject as a mere bank question. Viewed in that light, the opinion of this House, and of the other branch of Congress, is probably definitively made up. In the Senate, it is known that we have three parties, whose views, considering it as a bank question, appear to be irreconcilable. All hope, then, of relief must centre in some more elevated view—in considering it, in its true light, as a subject of currency. Thus regarded, I shall be surprised, if, on full investigation, there will not appear a remarkable coincidence of opinion, even between those whose views, on a slight inspection, would seem to be contradictory. Let us, then, proceed to the investigation of the subject under the aspect which I have proposed.

What, then, is the currency of the United States? What its present state and condition? These are the questions which I propose now to consider, with a view of ascertaining what is the disease, what the remedy, and what the means of applying it, so as to restore our currency to a sound condition.

The legal currency of this country—that in which alone debts can be discharged according to law—are certain gold, silver, and copper coins, authorized by Congress, under an express provision of the constitution. Such is the law. What, now, are the facts? That the currency consists almost exclusively of bank-notes (gold having entirely disappeared, and silver, in a great measure, expelled by banks instituted by twenty-five distinct and independent powers), issued under the authority of the direction of those institutions. They are, in point of fact, the mint of the United States. They coin the actual money (for such we must call bank-notes), and regulate its issue, and, consequently, its value. If we inquire as to their number, the amount of their issue, and other circumstances calculated to show their actual condition, we shall find, that so rapid has been their increase, and so various their changes, that no accurate information can be had. According to the latest and best that I have been able to obtain, they number at least four hundred and fifty, with a capital of not less than one hundred and forty-five millions of dollars, with an issue exceeding seventy millions; and the whole of this immense fabric standing on a metallic currency of less than fifteen millions of dollars, of which the greater part is held by the Bank of the United States. If we compare the notes in circulation with the metallic currency in their vaults, we shall find the proportion about six to one; and if we compare the latter with the demands that may be made upon the banks, we shall find that the proportion is about one to eleven. If we examine the tendency of the system at this moment, we shall find that it is on the increase—rapidly on the increase. There is now pending a project of a ten million bank before the Legislature of New-York; but recently one of five millions was established in Kentucky; within a short period one of a large capital was established in Tennessee, besides others in agitation in several of the other States.

[Here Mr. Porter, of Louisiana, said that one of eleven millions had just been established in that State.]

This increase is not accidental. It may be laid down as a law, that where two currencies are permitted to circulate in any country, one of a cheap and the other of a dear material, the former necessarily tends to grow upon the latter, and will ultimately expel it from circulation, unless its tendency to increase be restrained by a powerful and efficient check. Experience tests the truth of this remark, as the history of the banking system clearly illustrates. The Senator from Massachusetts truly said that the Bank of England was derived from that of Amsterdam, as ours, in turn, from that of England. Throughout its progress, the truth of what I have stated to be a law of the system is strongly evinced. The Bank of Amsterdam was merely a bank of deposit—a storehouse for the safe-keeping of the bullion and precious metals brought into that commercial metropolis, through all the channels of its widely-extended trade. It was placed under the custody of the city authorities; and, on the deposit, a certificate was issued as evidence of the fact, which was transferable, so as to entitle the holder to demand the return. An important fact was soon disclosed —that a large portion of the deposits might be withdrawn, and that the residue would be sufficient to meet the returning certificates; or, what is the same in effect, that certificates might be issued without making a deposit. This suggested the idea of a bank of discount as well as deposit. The fact thus disclosed fell in too much with the genius of the system to be lost, and, accordingly, when transplanted to England, it suggested the idea of a bank of discount and of deposit; the very essence of which form of banking, that on which their profit depends, consisting in issuing a greater amount of notes than it has specie in its vaults. But the system is regularly progressing, under the impulse of the laws that govern it, from its present form to a mere paper

machine—a machine for fabricating and issuing notes not convertible into specie. Already has it once reached this condition, both in England and the United States, and from which it has been forced back, in both, to a redemption of its notes, with great difficulty.

The natural tendency of the system is accelerated in our country by peculiar causes, which have greatly increased its progress. There are two powerful causes in operation. The one resulting from that rivalry which must ever take place in States situated, as ours are, under one General Government, and having a free and open commercial intercourse. The introduction of the banking system in one State, necessarily, on this principle, introduces it into all the others, of which we have seen a striking illustration on the part of Virginia and some of the other Southern States, which entertained, on principle, strong aversion to the system ; yet were compelled, after a long and stubborn resistance, to yield their objections, or permit their circulation to be furnished by the surrounding States, at the expense of their own capital and commerce. The same cause which thus compels one State to imitate the example of another, in introducing the system from self-defence, will compel the other States, in like manner, and from the same cause, to enlarge and give increased activity to the banking operation, whenever any one of the States sets the example of so doing on its part ; and thus, by mutual action and reaction, the whole system is rapidly accelerated to the final destiny which I have assigned.

This is strikingly exemplified in the rapid progress of the system since its first introduction into our country. At the adoption of our constitution, forty-five years ago, there were but three banks of the United States, the amount of whose capital I do not now recollect, but it was very small. In this short space, they have increased to four hundred and fifty, with a capital of one hundred and forty-five millions,

as has already been stated: an increase exceeding nearly a hundred fold the increase of our wealth and population, as great as they have been.

But it is not in numbers only that they have increased: there has, in the same time, been a rapid advance in the proportion which their notes in circulation bear to the specie in their vaults. Some twenty or thirty years ago, it was not considered safe for the issues to exceed the specie by more than two and a half or three for one; but now, taking the whole, and including the Bank of the United States with the State banks, the proportion is about six to one; and excluding that Bank, it would very greatly exceed that proportion. This increase of paper, in proportion to metal, results from a cause which deserves much more notice than it has heretofore attracted. It originates mainly in the number of the banks. I will proceed to illustrate it.

The Senator from New-York (Mr. Wright), in assigning his reasons for believing the Bank of the United States to be more dangerous than those of the States, said that one bank was more dangerous than many. This in some respects may be true; but in one, and that a most important one, it is strikingly the opposite—I mean in the tendency of the system to increase. Where there is but one bank, the tendency to increase is not near so strong as where there are many, as illustrated in England, where the system has advanced much less rapidly, in proportion to the wealth and population of the kingdom, than in the United States. But where there is no limitation as to their number, the increase will be inevitable, so long as banking continues to be among the most certain, eligible, and profitable employments of capital, as now is the case. With these inducements, there must be constant application for new banks, whenever there is the least prospect of profitable employment—banks to be founded mainly on nominal and fictitious capital, and adding but little additional capital to that already in existence

—and with our just and natural aversion to monopoly, it is difficult, on principles of equality and justice, to resist such application. The admission of a new bank tends to diminish the profits of the old, and, between the aversion of the old to reduce their income and the desire of the new to acquire profits, the result is an enlargement of discounts effected by a mutual spirit of forbearance ; an indisposition on the part of each to oppress the other ; and, finally, the creation of a common feeling to stigmatize and oppose those, whether banks or individuals, who demand specie in payment of their notes. This community of feeling, which ultimately identifies the whole as a peculiar and distinct interest in the community, increases, and becomes more and more intense, just in proportion as banks multiply—as they become, if I may use the expression, too populous ;—when from the pressure of increasing numbers, there results a corresponding increase of issues, in proportion to their means ; which explains the present extraordinary disproportion between specie and notes in those States where banks have been most multiplied ; equal, in some, to sixteen to one. There result from this state of things some political considerations, which demand the profound attention of all who value the liberty and peace of the country.

While the banking system rests on a solid foundation, there will be, on their part, but little dependence on the Government, and but little means by which the Government can influence them, and as little disposition on the part of the banks to be connected with the Government ; but, in the progress of the system, when their number is greatly multiplied, and their issues, in proportion to their means, are correspondingly increased, the condition of the banks becomes more and more critical. Every adverse event in the commercial world, or political movement that disturbs the existing state of things, agitates and endangers them. They become timid and anxious for their safety, and

necessarily court those in power, in order to secure their protection. Property is, in its nature, timid, and seeks protection, and nothing is more gratifying to Government than to become a protector. An union is the result; and when that union takes place—when the Government, in fact, becomes the bank direction, regulating its favors and accommodations—the downfall of liberty is at hand. Are there no indications that we are not far removed from this state of things? Do we not behold in the events which have so deeply agitated us within the last few months, and which have interrupted all the business transactions of this community, a strong tendency to this union on the part of a department of this Government, and a portion of the banking system? Has not this union been, in fact, consummated in the largest and most commercial of the States? What is the safety-fund system of New-York but an union between the banks and the State, and a consummation, by law, of that community of feeling in the banking system which I have attempted to illustrate, the object of which is to extend their discounts, and to obtain which, the interior banks of that State have actually put themselves under the immediate protection of the Government? The effects have been striking. Already have they become substantially mere paper machines, several having not more than from one to two cents in specie to the dollar, when compared with their circulation; and, taking the aggregate, their average condition will be found to be but little better. I care not, said Mr. C., whether the present commissioners are partisans of the present State administration or not, or whether the assertion of the Senator from New-York (Mr. Wright), that the Government of the State has not interfered in the control of these institutions, be correct. Whether it has taken place or not, interference is inevitable. In such state of weakness, a feeling of dependence is unavoidable; and the control of the Government over the action of the banks, whenever that

control shall become necessary to subserve the ambition or the avarice of those in power, is certain.

Such is the strong tendency of our banks to terminate their career, in the paper system—in an open suspension of specie payment. Whenever that event occurs, the progress of convulsion and revolution will be rapid. The currency will become local, and each State will have a powerful interest to depreciate its currency more rapidly than its neighbor, as means, at the same time, of exempting itself from the taxes of the Government, and drawing the commerce of the country to its ports. This was strongly exemplified after the suspension of specie payments during the late war, when the depreciation made the most rapid progress, till checked by the establishment of the present Bank of the United States; and when the foreign trade of the country was as rapidly converging to the point of the greatest depreciation, with a view of exemption from duties, by paying in the debased currency of the place.

What, then, is the disease which afflicts the system? what the remedy? and what the means of applying it? These are the questions which I shall next proceed to consider. What I have already stated points out the disease. It consists in a great and growing disproportion between the metallic and paper circulation of the country, effected through the instrumentality of the banks; a disproportion daily and hourly increasing, under the impulse of most powerful causes, which are rapidly accelerating the country to that state of convulsion and revolution which I have indicated. The remedy is, to arrest its future progress, and to diminish the existing disproportion—to increase the metals and to diminish the paper—advancing till the currency shall be restored to a sound, safe, and settled condition. On these two points all must be agreed. There is no man of any party, capable of reflecting, and who will take the pains to inform himself, but must agree that our currency is in a dangerous condition, and

that the danger is increasing ; nor is there any one who can doubt that the only safe and effectual remedy is to diminish this disproportion to which I have referred. Here the extremes unite : the Senator from Missouri (Mr. Benton), and the Senator from Massachusetts (Mr. Webster), who stands here as the able and strenuous advocate of the banking system, are on this point united, and must move from it in the same direction ; though it may be the design of the one to go through, and of the other to halt after a moderate advance.

There is another point on which all must be agreed—that the remedy must be gradual—the change from the present to another and sounder condition, slow and cautious. The necessity for this results from that highly delicate nature of currency which I have already illustrated. Any sudden and great change from our present to even a sounder condition would agitate and convulse society to the centre. On another point there can be but little disagreement. Whatever may be the different theoretical opinions of the members of the Senate as to the extent to which the reformation of the currency should be carried—even those who think it may be carried practically and safely to the restoration of a metallic currency, to the entire exclusion of paper, must agree that the restoration ought not to be carried further than a cautious and slow experience shall prove it can be done, consistently with the prosperity of the country, in the existing fiscal and commercial condition of the world. To go beyond the point to which experience shall show it is proper to go, would be to sacrifice the public interest merely to a favorite conception. There may be ultimately a disagreement of opinion where that point is ; but, since all must be agreed to move forward in the same direction, and at the same pace, let us set out in the spirit of harmony and peace, though we intend to stop at different points. It may be that, enlightened by experience, those who intended to stop at the near-

est point, may be disposed to advance further, and that those who intended the furthest, may halt on this side, so that finally all may agree to terminate the journey together.

This brings us to the question,—How shall so salutary a change be effected? What the means, and the mode of application? A great and difficult question, on which some diversity of opinion may be expected.

No one can be more sensible than I am of the responsibility that must be incurred in proposing measures on questions of so much magnitude, and which, in so distracted a state, must affect seriously great and influential interests. But this is no time to shun responsibility. The danger is great and menacing, and delay hazardous, if not ruinous. While, however, I would not shun, I have not sought the responsibility. I have waited for others; and had any one proposed an adequate remedy, I would have remained silent. And here, said Mr. Calhoun, let me express the deep regret which I feel that the administration, with all the weight of authority which belongs to its power and immense patronage, had not, instead of the deposit question, which has caused such agitation and distress, taken up the great subject of the currency; examined it gravely and deliberately in all its bearings; pointed out its diseased condition; designated the remedy, and proposed some safe, gradual, and effectual means of applying it. Had this course been pursued, my zealous and hearty co-operation would not have been wanting. Permit me, also, to express a similar regret that the administration, having failed in this great point of duty, the opposition, with all its weight and talents, headed, on this question, by the distinguished and able Senator from Massachusetts, who is so capable of comprehending this subject in all its bearings, had not brought forward, under its auspices, some permanent system of measures, based upon a deliberate and mature investigation into the cause of the existing disease, and calculated to remedy the disordered state of the curren-

cy. What might have been brought forward by them with such fair prospects of success, has been thrown on more incompetent hands, unaided by patronage or influence, save only that power which truth, clearly developed, and honestly and zealously advanced, may be supposed to possess, and on which I must wholly rely.

But to return to the subject. Whatever diversity of sentiment there may be as to the means, on one point all must be agreed : nothing effectual can be done, no check interposed to restore or arrest the progress of the system, by the action of the States. The reasons already assigned to prove that banking by one State compels all others to bank, and that the excess of banking in one, in like manner, compels all others to like excess, equally demonstrate that it is impossible for the States, acting separately, to interpose any means to prevent the catastrophe which certainly awaits the system, and perhaps the Government itself, unless the great and growing danger to which I refer be timely and effectually arrested. There is no power any where but in this Government—the joint agent of all the States, and through which a concert of action can be effected, adequate to this great task. The responsibility is upon us, and upon us alone. The means, if means there be, must be applied by our hands, or not applied at all—a consideration, in so great an emergency, and in the presence of such imminent danger, calculated, I should suppose, to arouse even the least patriotic.

What means do we possess, and how can they be applied ?

If the entire banking system were under the immediate control of the General Government, there would be no difficulty in devising a safe and effectual remedy to restore the equilibrium, so desirable, between the specie and the paper which compose our currency. But the fact is otherwise. With the exception of the Bank of the United States, all the other banks owe their origin to the authority of the sev-

eral States, and are under their immediate control; which presents the great difficulty experienced in devising the proper means of effecting the remedy which all feel to be so desirable.

Among the means which have been suggested, a Senator from Virginia, not now a member of this body (Mr. Rives), proposed to apply the taxing power to suppress the circulation of small notes, with a view of diminishing the paper and increasing the specie circulation. The remedy would be simple and effective, but is liable to great objection. The taxing power is odious under any circumstances; it would be doubly so when called into exercise with an overflowing treasury; and still more so, with the necessity of organizing an expensive body of officers to collect a single tax, and that of an inconsiderable amount. But there is another, and of itself a decisive objection. It would be unconstitutional—palpably and dangerously so. All political powers, as I stated on another occasion, are trust powers, and limited in their exercise by the subject and object of the grant. The tax power was granted to raise revenue for the sole purpose of supplying the necessary means of carrying on the operations of the Government. To pervert this power from the object thus intended by the constitution, to that of suppressing the circulation of bank-notes, would be to convert it from a revenue into a penal power—a power in its nature and object essentially different from that intended to be granted in the constitution; and a power which in its full extension, if once admitted, would be sufficient of itself to give an entire control to this Government over the property and the pursuits of the community, and thus concentrate and consolidate in it the entire power of the system.

Rejecting, then, the taxing power, there remain two obvious and direct means in possession of the Government, which may be brought into action to effect the object intended; but neither of which, either separately or jointly, is of

sufficient efficacy, however indispensable they may be as a part of an efficient system of measures, to correct the present, or repress the growing disorders of the currency ; I mean that provision in the constitution which empowers Congress to coin money, regulate the value thereof, and of foreign coin,—and the power of prohibiting any thing but the legal currency to be received, either in whole or in part, in the dues of the Government. The mere power of coining and regulating the value of coins, of itself, and unsustained by any other measure, can exercise but a limited control over the actual currency of the country, and is inadequate to check excess or correct disorder, as is demonstrated by the present diseased state of the currency. Congress has had, from the beginning, laws upon the statute-books to regulate the value of coins ; and at an early period of the Government the mint was erected, and has been in active operation ever since ; and yet, of the immense amount which has been coined, a small residue only remains in the country, the great body having been expelled under the banking system. To give efficiency to this power, then, some other must be combined with it. The most immediate and obvious is that which has been suggested—of excluding all but specie in the receipts of the Government. This measure would be effectual to a certain extent ; but with a declining income, which must take place under the operation of the act of the last session to adjust the tariff, and which must greatly reduce the revenue (a point of the utmost importance to the reformation and regeneration of our institutions), the efficacy of the measure must be correspondingly diminished. From the nature of things, it cannot greatly exceed the average of the government deposits, which I hope will, before many years, be reduced to the smallest possible amount, so as to prevent the possibility of the recurrence of the shameful and dangerous state of things which now exists, and which has been caused by the vast amount of the surplus revenue.

But there is, in my opinion, a strong objection against resorting to this measure, resulting from the fact that an exclusive receipt of specie in the treasury would, to give it efficacy, and to prevent extensive speculation and fraud, require an entire disconnection on the part of the Government with the banking system in all its forms, and a resort to the strong box as the means of preserving and guarding its funds—a means, if practicable, in the present state of things liable to the objection of being far less safe, economical, and efficient than the present.

What, then, Mr. Calhoun inquired, what other means do we possess, of sufficient efficacy, in combination with those to which I have referred, to arrest its progress, and correct the disordered state of the currency? This is the deeply important question, and here some division of opinion must be expected, however united we may be, as I trust we are thus far, on all other points. I intend to meet this question explicitly and directly, without reservation or concealment.

After a full survey of the whole subject, I see none,—I can conjecture no means of extricating the country from the present danger, and to arrest its further increase, but a bank—the agency of which, in some form, or under some authority, is indispensable. The country has been brought into the present distressed state of currency by banks, and must be extricated by their agency. We must, in a word, use a bank to unbank the banks, to the extent that may be necessary to restore a safe and stable currency—just as we apply snow to a frozen limb in order to restore vitality and circulation, or hold up a burn to the flame to extract the inflammation. All must see that it is impossible to suppress the banking system at once. It must continue for a time. Its greatest enemies, and the advocates of an exclusive specie circulation, must make it a part of their system to tolerate the banks for a longer or a shorter period. To sup-

press them at once would, if it were possible, work a greater revolution—a greater change in the relative condition of the various classes of the community—than would the conquest of the country by a savage enemy. What, then, must be done? I answer, a new and safe system must gradually grow up under, and replace the old; imitating, in this respect, the beautiful process which we sometimes see of a wounded or diseased part in a living organic body gradually superseded by the healing process of nature.

How is this to be effected? How is a bank to be used as the means of correcting the excess of the banking system? and what bank is to be selected as the agent to effect this salutary change? I know, said Mr. C., that a diversity of opinion will be found to exist, as to the agent to be selected, among those who agree on every other point, and who, in particular, agree on the necessity of using some bank as the means of effecting the object intended: one preferring a simple recharter of the existing Bank; another, the charter of a new Bank of the United States; a third, a new Bank ingrafted upon the old; and a fourth, the use of the State banks as the agent. I wish, said Mr. C., to leave all these as open questions, to be carefully surveyed and compared with each other, calmly and dispassionately, without prejudice or party feeling; and that to be selected, which, on the whole, shall appear to be the best, the most safe, the most efficient, the most prompt in application, and the least liable to constitutional objections. It would, however, be wanting in candor on my part not to declare that my impression is, that a new Bank of the United States, ingrafted upon the old, will be found, under all the circumstances of the case, to combine the greatest advantages, and to be liable to the fewest objections; but this impression is not so firmly fixed as to be inconsistent with a calm review of the whole ground, or to prevent my yielding to the conviction of reason, should the result of such review prove that any other is

preferable. Among its peculiar recommendations may be ranked the consideration that, while it would afford the means of a prompt and effectual application for mitigating and finally removing the existing distress, it would, at the same time, open to the whole community a fair opportunity of participating in the advantages of the institution, be they what they may.

Let us, then, suppose (in order to illustrate, and not to indicate a preference) that the present Bank be selected as the agent to effect the intended object. What provisions will be necessary? I will *suggest* those that have occurred to me, mainly, however, with a view of exciting the reflections of those much more familiar with banking operations than myself, and who, of course, are more competent to form a correct judgment of their practical effect.

Let, then, the Bank charter be renewed for twelve years after the expiration of the present term, with such modifications and limitations as may be judged proper; and that after that period it shall issue no notes under ten dollars—that Government shall not receive in its dues any sum less than ten dollars, except in the legal coins of the United States; that it shall not receive in its dues the notes of any bank that issues notes of a denomination less than five dollars; and that the United States Bank shall not receive in payment, or on deposit, the notes of any bank whose notes are not receivable in the dues of the Government, nor the notes of any bank which may receive those of any other whose notes are not receivable by the Government. At the expiration of six years from the commencement of the renewed charter, let the Bank be prohibited from issuing any note under twenty dollars, and let no sum under that amount be received in dues of the Government, except in specie; and let the value of gold be raised at least equal to that of silver, to take effect immediately; so that the country may be replenished with the coin, the lightest and the

most portable in proportion to its value, to take the place of the receding bank-notes. It is unnecessary for me to state, that at present the standard value of gold is less than that of silver; the necessary effect of which has been to expel gold entirely from circulation, and to deprive us of a coin so well calculated for the circulation of a country so great in extent, and having so vast an intercourse, commercial, social, and political, between all its parts, as ours. As an additional recommendation to raise its relative value, gold has, of late, become an important product of three considerable States of the Union—Virginia, North Carolina, and Georgia —to the industry of which the measure proposed would give a strong impulse, and which, in turn, would greatly increase the quantity produced.

Such are the means which have occurred to me. There are members of this body far more competent to judge of their practical operation than myself; and as my object is simply to suggest them for their reflection, and for that of others who are more familiar with this part of the subject, I will not at present enter into an inquiry as to their efficiency, with a view of determining whether they are fully adequate to effect the object in view or not. There are, doubtless, others of a similar description, and perhaps more efficacious, that may occur to the experienced, which I would freely embrace, as my object is to adopt the best and most efficient. And it may be hoped, that if, on experience, it should be found that neither these provisions, nor any other in the power of Congress, are fully adequate to effect the important reform which I have proposed, the co-operation of the States may be secured, at least to the extent of suppressing the circulation of notes under five dollars, where such are permitted to be issued under their authority.

I omitted, in the proper place, to state my reason for suggesting twelve years as the term for the renewal of the charter of the Bank. It appears to me that it is long enough

to permit the agitation and distraction which now disturbs the country to subside, while it is sufficiently short to enable us to avail ourselves of the full benefit of the light of experience, which may be expected to be derived from the operation of the system under its new provisions. But there is another reason which appears to me to be entitled to great weight. The charter of the Bank of England has recently been renewed for the term of ten years, with very important changes, calculated to furnish much experience upon the nature of banking operations and currency. It is highly desirable, if the Bank charter should be renewed, or a new Bank created, that we should have the full benefit of that experience before the expiration of the term, which would be effected by fixing the period I have designated. But as my object in selecting the recharter of the Bank of the United States was simply to enable me to present the suggestions I have made in the clearest form, and not to advocate the recharter, I shall omit to indicate many limitations and provisions, which seem to me to be important to be considered, when the question of its permanent renewal is presented, should it ever be. Among others, I entirely concur in the suggestion of the Senator from Georgia, of fixing the rate of interest at five per cent.—a suggestion of importance, and to which but one objection can, in my opinion, be presented—I mean the opposing interest of existing State institutions, all of which discount at higher rates, and which may defeat any measure of which it constitutes a part. In addition, I will simply say that I, for one, shall feel disposed to adopt such provisions as are best calculated to secure the Government from any supposed influence on the part of the Bank, or the Bank from any improper interference on the part of the Government, or which may be necessary to protect the rights or interests of the States.

Having now stated the means necessary to apply the remedy, I am thus brought to the question, Can the measure

succeed ? which brings up the inquiry of how far it may be expected to receive the support of the several parties which now compose the Senate, and on which I shall next proceed to make a few remarks.

First, then, can the State Rights party give it their support ? that party of which I am proud of being a member, and for which I entertain so strong an attachment—the stronger because we are few among many. In proposing this question, I am not ignorant of their long-standing constitutional objection to the Bank, on the ground that this was intended to be, as it is usually expressed, a hard-money Government, whose circulating medium was intended to consist of the precious metals, and for which object the power of coining money, and regulating the value thereof, was expressly conferred by the constitution. I know how long and how sincerely this opinion has been entertained, and under how many difficulties it has been maintained. It is not my intention to attempt to change an opinion so firmly fixed ; but I may be permitted to make a few observations, in order to present what appears to me to be the true question in reference to this constitutional point, in order that we may fully comprehend the circumstances under which we are placed in reference to it.

With this view, I do not deem it necessary to inquire whether, in conferring the power to coin money, and to regulate the value thereof, the constitution intended to limit the power strictly to coining money and regulating its value, or whether it intended to confer a more general power over the currency ; nor do I intend to inquire whether the word coin is limited simply to the metals, or may be extended to other substances, if, through a gradual change, they may become the medium of the general circulation of the world. I pass these points. Whatever opinion there may be entertained in reference to them, we must all agree, as a fixed principle in our system of thinking on constitutional ques-

tions, that the power under consideration, like other powers, is a trust power; and that, like all such powers, it must be so exercised as to effect the object of the trust as far as it may be practicable. Nor can we disagree that the object of the power was to secure to these States a safe, uniform and stable currency. The nature of the power, the terms used to convey it, the history of the times, the necessity, with the creation of a common government, of having a common and uniform circulating medium, and the power conferred to punish those, who, by counterfeiting, may attempt to debase and degrade the coins of the country, all proclaim this to be the object.

It is not my purpose to inquire whether, admitting this to be the object, Congress is not bound to use all the means in its power to give this safety, this stability, this uniformity to the currency, for which the power was conferred; nor to inquire whether the States are not bound to abstain from acts, on their part, inconsistent with them; nor to inquire whether the right of banking, on the part of a State, does not directly, and by immediate consequence, injuriously affect the currency—whether the effect of banking is not to expel the specie currency, which, according to the assumption that this is a hard-money Government, it was the object of the constitution to furnish, in conferring the power to coin money; or whether the effect of banking does not necessarily tend to diminish the value of a specie currency as certainly as clipping or reducing its weight would; and whether it has not, in fact, since its introduction, reduced the value of the coins one-half. Nor do I intend to inquire whether Congress is not bound to abstain from all acts, on its part, calculated to affect injuriously the specie circulation, and whether the receiving any thing but specie, in its dues, must not necessarily so affect it by diminishing the quantity in circulation, and depreciating the value of what remains. All these questions I leave open. I decide none of them. There is one, however, that I will

decide. If Congress has a right to receive any thing else than specie in its dues, they have the right to regulate its value; and have a right, of course, to adopt all necessary and proper means, in the language of the constitution, to effect the object. It matters not what they receive, tobacco, or any thing else, this right must attach to it. I do not assert the right of receiving, but I do hold it to be incontrovertible, that, if Congress were to order the dues of the Government to be paid, for instance, in tobacco, they would have the right, nay, more, they would be bound to use all necessary and proper means to give it an uniform and stable value—inspections, appraisement, designation of qualities, and whatever else would be necessary to that object. So, on the same principle, if they receive bank-notes, they are equally bound to use all means necessary and proper, according to the peculiar nature of the subject, to give them uniformity, stability, and safety.

The very receipt of bank-notes, on the part of the Government, in its dues, would, it is conceded, make them money, as far as the Government may be concerned, and, by a necessary consequence, would make them, to a great extent, the currency of the country. I say nothing of the positive provisions in the constitution which declares that "all duties, imposts, and excises shall be uniform throughout the United States," which cannot be, unless that in which they are paid should also have, as nearly as practicable, an uniform value throughout the country. To effect this, if bank-notes are received, the banking power is necessary and proper within the meaning of the constitution; and, consequently, if the Government has the right to receive bank-notes in its dues, the power becomes constitutional. Here lies, said Mr. Calhoun, the real constitutional question: Has the Government a right to receive bank-notes, or not? The question is not upon the mere power of incorporating a bank, as it has been commonly argued: though even in that view there would be

as great a constitutional objection to any act on the part of the Executive, or any other branch of the Government, which should unite any association of State banks into one system, as the means of giving the uniformity and stability to the currency which the constitution intends to confer. The very act of so associating or uniting them into one, by whatever name called, or by whatever department performed, would be, in fact, an act of incorporation.

But, said Mr. Calhoun, my object, as I have stated, is not to discuss the constitutional questions, nor to determine whether the Bank be constitutional or not. It is, I repeat, to show where the difficulty lies—a difficulty which I have felt from the time I first came into the public service. I found then, as now, the currency of the country consisting almost entirely of bank-notes. I found the Government intimately connected with the system: receiving bank-notes in its dues, and paying them away, under its appropriations, as cash. The fact was beyond my control: it existed long before my time, and without my agency; and I was compelled to act on the fact as it existed, without deciding on the many questions which I have suggested as connected with this subject, and on many of which I have never yet formed a definite opinion. No one can pay less regard to precedent than I do, acting here, in my representative and deliberative character, on legal or constitutional questions; but I have felt from the beginning the full force of the distinction so sensibly taken by the Senator from Virginia (Mr. Leigh) between doing and undoing an act, and which he so strongly illustrated in the case of the purchase of Louisiana. The constitutionality of that act was doubted by many at the time, and among others by its author himself; yet he would be considered a madman who, coming into political life at this late period, would now seriously take up the question of the constitutionality of the purchase, and, coming to the conclusion that it was unconstitutional, should propose to rescind the act, and eject

from the Union two flourishing States and a growing Territory: nor would it be an act of much less madness thus to treat the question of the currency, and undertake to suppress at once the system of bank circulation which has been growing up from the beginning of the Government, which has penetrated into and connected itself with every department of our political system, on the ground that the constitution intended a specie circulation; or who would treat the constitutional question as one to be taken up *de novo*, and decided upon elementary principles, without reference to the imperious state of facts.

But in raising the question whether my friends of the State Rights party can consistently vote for the measure which I have suggested, I rest not its decision on the ground that their constitutional opinion in reference to the Bank is erroneous. I assume their opinion to be correct—I place the argument, not on the constitutionality or unconstitutionality, but on wholly different ground. I lay it down as an incontrovertible principle, that, admitting an act to be unconstitutional, but of such a nature that it cannot be reversed at once, or at least without involving gross injustice to the community, we may, under such circumstances, vote for its temporary continuance—for undoing gradually, as the only practicable mode of terminating it—consistently with the strictest constitutional objects. The act of the last session, adjusting the tariff, furnishes an apt illustration. All of us believed that measure to be unconstitutional and oppressive, yet we voted for it without supposing that we violated the constitution in so doing, although it allowed upwards of eight years for the termination of the system, on the ground, that to reverse it at once, would spread desolation and ruin over a large portion of the country. I ask the principle in that case to be applied to this. It is equally as impossible to terminate suddenly the present system of paper currency, without spreading a desolation still wider and deeper over

the face of the country. If it can be reversed at all—if we can ever return to a metallic currency, it must be by gradually undoing what we have done, and to tolerate the system while the process is going on. This, the measure which I have suggested, proposes; for the period of twelve years to be followed up by a similar process, as far as a slow and cautious experience shall prove we may go consistently with the public interest, even to its entire reversal, if experience shall prove we may go so far, which, however, I, for one, do not anticipate; but the effort, if it should be honestly commenced and pursued, would present a case every way parallel with the instance of the tariff to which I have already referred. I go further, and ask the question, Can you, consistently with your obligation to the constitution, refuse to vote for a measure, if intended, in good faith, to effect the object already stated? Would not a refusal to vote for the only means of terminating it consistently with justice, and without involving the horror of revolution, amount in fact, and in all its practical consequences, to a vote to perpetuate a state of things which all must acknowledge to be eminently unconstitutional, and highly dangerous to the liberty of the country?

But I know it will be objected that the constitution ought to be amended, and the power conferred in express terms. I feel the full force of the objection. I hold the position to be sound, that, when a constitutional question has been agitated involving the powers of the Government, which experience shall prove cannot be settled by reason, as in the case of the bank question, those who claim the power ought to abandon it, or obtain an express grant by an amendment of the constitution; and yet, even with this impression, I would, at the present time, feel much, if not insuperable objection, to vote for an amendment, till an effort shall be fairly made, in order to ascertain to what extent the power might be dispensed with, as I have proposed.

I hold it a sound principle, that no more power should be conferred upon the General Government than is indispensable; and if experience should prove that the power of banking is indispensable, in the actual condition of the currency of this country and of the world generally, I should even then think that, whatever power ought to be given, should be given with such restrictions and limitations as would limit it to the smallest amount necessary, and guard it with the utmost care against abuse. As it is, without farther experience, we are at a loss to determine how little or how much would be required to correct a disease which must, if not corrected, end in convulsions and revolution. I consider the whole subject of banking and credit as undergoing at this time, throughout the civilized world, a progressive change, of which I think I perceive many indications. Among the changes in progression, it appears to me there is a strong tendency in the banking system to resolve itself into two parts—one becoming a bank of circulation and exchange, for the purpose of regulating and equalizing the circulating medium, and the other assuming more the character of private banking; of which separation there are indications in the tendency of the English system, particularly perceptible in the late modifications of the charter of the Bank of England. In the mean time, it would be wise in us to avail ourselves of the experience of the next few years before any change be made in the constitution, particularly as the course which, it seems to me, it would be advisable to pursue, would be the same, whether the power be expressly conferred or not.

I next address myself to the members of the opposition, who principally represent the commercial and manufacturing portions of the country, where the banking system has been the farthest extended, and where a larger portion of the property exists in the shape of credit than in any other section, and to whom a sound and stable currency is most necessary, and the opposite most dangerous. You have no constitu-

tional objection ; to you it is a mere question of expediency. Viewed in this light, can you vote for the measure suggested ? A measure designed to arrest the approach of events which, I have demonstrated, must, if not arrested, create convulsions and revolutions ; and to correct a disease which must, if not corrected, subject the currency to continued agitations and fluctuations ; and, in order to give that permanence, stability, and uniformity, which is so essential to your safety and prosperity. To effect this may require some diminution of the profits of banking, some temporary sacrifice of interest ; but if such should be the fact, it will be compensated more than a hundred fold by increased security and durable prosperity. If the system must advance in its present course without a check, and if explosion must follow, remember that where you stand will be the crater—should the system quake, under your feet the chasm will open that will ingulf your institutions and your prosperity.

Can the friends of the administration vote for this measure ? If I understand their views, as expressed by the Senator from Missouri, behind me (Mr. Benton), and the Senator from New-York (Mr. Wright), and other distinguished members of the party, and the views of the President as expressed in reported conversations, I see not how they can reject it. They profess to be the advocates of a metallic currency. I propose to restore it by the most effectual means that can be devised ; gradually and slowly, and to the extent that experience may show that it can be done consistently with due regard to the public interest. Further no one can desire to go. If the means I propose are not the best and most effectual, let better and more effectual be devised. If the process which I propose be too slow or too fast, let it be accelerated or retarded. Permit me to add to these views what, it appears to me, those whom I address ought to feel with deep and solemn obligations of duty. They are the advocates and the supporters of the administration. It is

now conceded, almost universally, that a rash and precipitate act of the Executive, to speak in the mildest terms, has plunged this country into deep and almost universal distress. You are the supporters of that measure—you personally incur the responsibility by that support. How are its consequences to terminate? Do you see the end? Can things remain as they are, with the currency and the treasury of the country under the exclusive control of the Executive? And by what scheme, what device, do you propose to extricate the country and the constitution from their present dangers?

I have now said what I intended. I have pointed out, without reserve, what I believe in my conscience to be for the public interest. May what I have said be received as favorably as it has been sincerely uttered. In conclusion, I have but to add, that, if what I have said shall in any degree contribute to the adjustment of this question, which I believe cannot be left open without imminent danger, I shall rejoice; but if not, I shall at least have the consolation of having discharged my duty.

SPEECH

On the Bill, to repeal the Revenue Collection, or Force Bill, delivered in the Senate, April 9th, 1834.

I HAVE, said Mr. Calhoun, introduced this bill from a deep conviction that the act which it proposes to repeal is, in its tendency, subversive of our political institutions, and fatal to the liberty and happiness of the country; which I trust to be able to establish to the satisfaction of the Senate,

should I be so fortunate as to obtain a dispassionate and favorable hearing.

In resting the repeal on this ground, it is not my intention to avail myself of the objections to the details of the act, repugnant as many of them are to the principles of our Government. In illustration of the truth of this assertion, I might select that provision which vests in the President, in certain cases, of which he is made the judge, the entire force of the country, civil, military, and naval, with the implied power of pledging the public faith for whatever expenditure he may choose to incur in its application. And, to prove how dangerous it is to vest such extraordinary powers in the Executive, I might avail myself of the experience which we have had in the last few months of the aspiring character of that department of the Government, and which has furnished conclusive evidence of the danger of vesting in it even a very limited discretion. It is not for me to judge of the propriety of the course which the members of this body may think proper to pursue in reference to the question under consideration; but I must say that I am at a loss to understand how any one, who regards as I do the acts to which I have referred, as palpable usurpations of power, and as indicating on the part of the Executive a dangerous spirit of aggrandizement, can vote against the bill under consideration, and thereby virtually vote to continue in the President the extraordinary and dangerous power in question.

But it may be said that the provisions of the act which confers this power will expire, by its own limitation, at the termination of the present session. It is true it will then cease to be law; but it is no less true that the precedent, unless the act be expunged from the statute-book, will live for ever, ready, on any pretext of future danger, to be quoted as an authority to confer on the chief magistrate similar, or even more dangerous powers, if more dangerous can be devised. We live in an eventful period; and, among

other things, we have had, recently, some impressive lessons on the danger of precedents. To them immediately we owe the act which has caused the present calamitous and dangerous condition of the country; which has been defended almost solely on the ground of precedents—precedents almost unnoticed at the time; but had they not existed, or had they been reversed at the time by Congress, the condition of the country would, this day, be far different from what it is. With this knowledge of the facts, we must see that a bad precedent is as dangerous as a bad measure itself; and in some respects more so, since it may give rise to acts far worse than itself, as in the case to which I have alluded. In this view of the subject, to refuse to vote for the repeal of the act, and thereby constitute a precedent to confer similar, or more dangerous powers hereafter, would be as dangerous as to vote for an act to vest permanently in the President the power in question.

But I pass over this and other objections to the details not much less formidable. I take a higher stand against the act: I object to the principle in which it originated,—putting the details aside,—on the ground, as I have stated, that they are subversive of our political institutions, and fatal in their tendency to the liberty and happiness of the country. Fortunately, we are not left to conjecture or inference as to what these principles are. It was openly proclaimed, both here and elsewhere, in the debates of this body and the proclamation and message of the President, in which the act originated, that the very basis on which it rests—the assumption on which only it could be supported—was, that this Government had the final and conclusive right, in the last resort, to judge of the extent of its powers; and that, to execute its decision, it had the right to use all the means of the country, civil, military, and fiscal, not only against individuals, but against the States themselves, and all acting

under their authority, whether in a legislative, executive, or judicial capacity.

If further evidence be required, as to the nature and character of the act, it will be found in the history of the events in which it took its origin. It originated, as we all know, in a controversy between this Government and the State of South Carolina, in reference to a power which involved the question of the constitutionality of a protective tariff. I do not intend to give the history of this controversy; it is sufficient for my purpose to say, that the State, in maintenance of what she believed to be her unquestionable rights, assumed the highest ground: she placed herself on her sovereign authority as a constituent member of this confederacy, and made her opposition to the encroachment on these rights through a convention of the people, the only organ by which, according to our conception, the sovereign will of a State can be immediately and directly pronounced. This Government, on its part, in resistance to the action of the State, assumed the right to trample upon the authority of the convention, and to look beyond the State to the individuals who compose it; not as forming a political community, but as a mere mass of isolated individuals, without political character or authority; and thus asserted in the strongest manner, not only the right of judging of its own powers, but that of overlooking, in a contest for power, the very existence of the State itself, and of recognizing, in the assertion of what it might claim to be its power, no other authority whatever in the system but its own.

Such being the principle in which this bill originated, we are brought to the consideration of a question of the deepest import. Is an act, which assumes such powers for this Government, consistent with the nature and character of our political institutions?

It is not my intention, in the discussion of this question, to renew the debate of the last session. But, in declining to

renew that discussion, I wish to be distinctly understood that I do so exclusively on the ground that I do not feel myself justified in repeating arguments so recently advanced; and not on the ground that there is the least abatement of confidence in the positions then assumed, or in the decisive bearing which they ought to have against the act. So far otherwise, time and reflection have but served to confirm me in the impression which I then entertained; and, without repeating the arguments, I now avail myself, in this discussion, of the positions then established, and stand prepared to vindicate them against whatever assaults may be made upon them, come from what quarter they may. Without, then, reopening the discussion of the last session on the elementary principles of our Government, which were then brought into controversy, I shall now proceed to take the plainest and most common-sense view of our political institutions, regarding them merely in a matter-of-fact way, in order to ascertain the parts of which they are composed, and the relations which they bear to each other.

Thus regarding our institutions, we are struck, on the first view, with the number and complexity of the parts—with the division, classification, and organization which pervade every part of the system. It is, in fact, *a system of governments;* and these, in turn, are a system of departments—a system in which government bears the same relation to government, in reference to the whole, as departments do to departments, in reference to each particular government. As each government is made up of the legislative, executive, and judicial departments organized into one, so the system is made up of this Government, and the State governments, in like manner, organized into one system. So, too, as the powers which constitute the respective governments are divided and organized into departments, in like manner in the formation of the governments, their powers are classed into two distinct divisions: the one containing

powers local and peculiar in their character, which the interests of the States require to be exercised by each State through a separate government ; the other containing those which are more general and comprehensive, and which can be best exercised in some uniform mode through a common Government. The former of these divisions constitutes what, in our system, are known as the reserved powers, and are exercised by each State through its own separate Government. The latter are known as the delegated powers, and are exercised through this, the common Government of the several States. The division of power into two parts, with distinct and independent governments, regularly organized into departments, legislative, executive, and judicial, to carry their respective parts into effect, constitutes the great, striking and peculiar character of our system—is without example in ancient or modern times—and may be regarded as the fundamental distribution of power under the system, and as constituting its great conservative principle.

If we extend our eyes beyond, we shall find another striking division between the power of the people and that of the Government—between that inherent, primitive, creative power which resides exclusively in the people, and from which all authority is derived, and the delegated power or trust conferred upon the governments to effect the object of their creation. If we look still beyond, we shall find another and most important division. The people, instead of being united in one general community, are divided into twenty-four States, each forming a distinct sovereign community, and in which, separately, the whole power of the system ultimately resides.

If we examine how this ultimate power is called into action, we shall find that its only organ is a primary assemblage of the people, known under the name of a Convention, through which their sovereign will is announced, and by which governments are formed and organized. If we trace,

historically, the exertion of this power in the formation of the governments constituting our system, we shall find that, originally, on the separation of the thirteen colonies from the crown of Great Britain, each State for itself, through its own convention, formed separate constitutions and governments, and that these governments, in turn, formed a league or confederacy for the purpose of exercising those powers, in the regulation of which the States had a common interest. But this confederacy, proving incompetent for its object, was superseded by the present constitution, which essentially changed the character of the system. If we compare the mode of the adoption of this constitution with that of the adoption of the original constitutions of the several States, we shall find them precisely the same. In both, each State adopted the constitution through its own convention, by its separate act, each for itself, and is only bound in consequence of its own adoption, without reference to the adoption of any other State. The only point in which they can be distinguished is the mutual compact, in which each State stipulated with the others to adopt it as a common constitution. Thus regarded, this constitution is, in fact, the constitution of each State. In Virginia, for instance, it is the constitution of Virginia ; and so, too, this Government, and the laws which it enacts, are, within the limits of the State, the government and the laws of the State. It is, in fact, the constitution and government of the whole, because it is the constitution and government of each part ; and not the constitution and government of the parts, because it is of the whole. The system commences with the parts, and ends with the whole. The parts are the units, and the whole the multiple, instead of the whole being a unit and the parts the fractions. Thus viewed, each State has two distinct constitutions and governments—a separate constitution and government, instituted, as I have stated, to regulate the objects in which each has a peculiar interest ; and a general one to regulate the interests common to all,

and binding, by a common compact, the whole into one community, in which the separate and independent existence of each State as a sovereign community is preserved, instead of being fused into a common mass.

Such is our system; such are its parts, and such their relation to each other. I have stated no fact that can be questioned, nor have I omitted any that is essential which I am capable of perceiving. In reviewing the whole, we must be no less struck with the simplicity of the means by which all are blended into one, than we are by the number and complexity of the parts. I know of no system, in either respect, ancient or modern, to be compared with it; and can compare it to nothing but that sublime and beautiful system of which our globe constitutes a part, and to which it bears, in many particulars, so striking a resemblance. In this system, this Government, as we have seen, constitutes a part —a prominent, but a subordinate part, with defined, limited, and restricted powers.

I now repeat the question, Is the act which assumes for this Government the right to interpret, in the last resort, the extent of its powers, and to enforce its interpretation against all other authority, consistent with our institutions? To state the question is to answer it. We might with equal propriety ask whether a government of unlimited power is consistent with one of enumerated and restricted powers. I say unlimited; for I would hold his understanding in low estimation who can make, practically, any distinction between a government of unlimited powers and one which has an unlimited right to construe and enforce its powers as it pleases. Who does not see that, to divide power, and to give one of the parties the exclusive right to determine what share belongs to him, is to annihilate the division, and to vest the whole in him who possesses the right? It would be no less absurd than for one in private life to divide his property with another, and vest in that other the absolute

and unconditional right to determine the extent of his share; which would be, in fact, to give him the whole. Nor could I think much more highly of the understanding of him who does not perceive that this exclusive right, on the part of this Government, of determining the extent of its powers, necessarily destroys all distinction between reserved and delegated powers; and that it thus strikes a fatal blow at that fundamental distribution of power which lies at the bottom of our system. It also, by inevitable consequence, destroys all distinction between constitutional and unconstitutional acts, making the latter to the full as obligatory as the former; of which we had a remarkable example when the act proposed to be repealed was before the Senate. It is well known that the power in controversy between this Government and the State of South Carolina had been pronounced to be unconstitutional by the legislatures of most of the Southern States, and also by many of the members of this body; and yet there were instances, however extraordinary it may appear, of members of the body voting to enforce an act which they believed to be unconstitutional, and that, too, at the hazard of civil war. As strange as such a course must appear, it was the natural and legitimate consequence of the power which the act assumed for this Government, and illustrates, in the strongest manner imaginable, the truth of what I have advanced.

But to proceed. This unlimited right of judging as to its powers, not only destroys, as I have stated, all distinction between constitutional and unconstitutional acts, but merges in *this* Government the very existence of the separate governments of the States, by reducing them from that independent and distinct existence, as co-governments, assigned to them in the system, to mere subordinate and dependent bodies, holding their power and existence at the mercy of this Government. It stops not here—it annihilates the States themselves. The right which it assumes of trampling upon the

authority of a convention of the people of the States, the only organ through which the sovereignty of the States can exert itself, and to look beyond the States to the individuals who compose them, and to treat them as entirely destitute of all political character or power, is, in fact, to annihilate the States, and to transfer their sovereignty and all their powers to this Government.

If we now raise our eyes, and direct them towards that once beautiful system, with all its various, separate, and independent parts blended into one harmonious whole, we must be struck with the mighty change! All have disappeared—gone—absorbed—concentrated and consolidated in this Government—which is left alone in the midst of the desolation of the system, the sole and unrestricted representative of an absolute and despotic majority.

Will it be tolerated that I should ask whether an act which has caused so complete a revolution—which has entirely subverted our political system, as it emanated from the hands of its creators, and reared in its place one in every respect so different—must not, in its consequences, prove fatal to the liberty and the happiness of these States? Can it be necessary for me to prove that no other system which human ingenuity can devise, or imagination conceive, but that which this fatal act has subverted, can preserve the liberty or secure the happiness of the country? Need I show that the most difficult problem which ever was presented to the mind of a legislator to solve, was to devise a system of government for a country of such vast extent, that should at once possess sufficient power to hold the whole together, without, at the same time, proving fatal to liberty? There never existed an example before of a free community spreading over such an extent of territory; and the ablest and profoundest thinkers, at the time, believed it to be utterly impracticable that there should be. Yet this difficult problem was solved—successfully solved—by the wise and saga-

cious men who framed our constitution. No ; it was above unaided human wisdom—above the sagacity of the most enlightened. It was the result of a fortunate combination of circumstances, co-operating and leading the way to its formation ; directed by that kind Providence which has so often and so signally disposed events in our favor.

To solve this difficult problem, and to overcome the apparently insuperable obstacle which it presents, required that peculiar division, distribution, and organization of power, which, as I have stated, so remarkably distinguish our system, and which serve as so many breakwaters to arrest the angry waves of power, impelled by avarice and ambition, and which, driven furiously over a broad and unbroken expanse, would be resistless. Of this partition and breaking up of power into separate parts, the most remarkable division is that between the reserved and delegated powers, which forms the basis on which this and the separate governments of the States are organized, as the great and primary departments of the system. It is this important division which mainly gives that expansive character to our institutions, by means of which they have the capacity of being spread over the vast extent of our country, without exposing us on the one side to the danger of disunion, or, on the other, to the loss of liberty. Without this happy device, the people of these States, after having achieved their independence, would have been compelled to resolve themselves into small and hostile communities, in despite of a common origin, a common language, and the common renown and glory acquired by their united wisdom and valor in the war of the Revolution, or have submitted quietly to the yoke of despotic power as the only alternative.

In the place of this admirably contrived system, the act proposed to be repealed has erected one great Consolidated Government. Can it be necessary for me to show what must be the inevitable consequences ? Need I prove that all con-

solidated governments—governments in which a single power predominates (for such is their essence), are necessarily despotic—whether that power be wielded by the will of one man, or that of an absolute and unchecked majority? Need I demonstrate that it is, on the contrary, of the very essence of liberty that the power should be so divided, distributed, and organized, that one interest may check the other, so as to prevent the excessive action of the separate interests of the community against each other; on the principle that organized power can only be checked by organized power?

The truth of these doctrines was fully understood at the time of the formation of this constitution. It was then clearly foreseen and foretold what must be the inevitable consequences of concentrating all the powers of the system in this Government. Yes, we are in the state predicted, foretold, prophesied from the beginning. All the calamities we have experienced, and those which are yet to come, are the result of the consolidating tendency of the Government; and unless that tendency be arrested—unless we reverse our steps, all that has been foretold will certainly befall us—even to the pouring out of the last vial of wrath—military despotism. To this fruitful source of woes may be traced that remarkable decay of public virtue; that rapid growth of corruption and subserviency; that decline of patriotism; that increase of faction; that tendency to anarchy; and, finally, that visible approach of the absolute power of one man which so lamentably characterizes the times. Should there be any one seeing and acknowledging all these morbid and dangerous symptoms, who should doubt whether the disease is to be traced to the cause which I have assigned, I would ask him, To what other can it be attributed? There is no event—no, not in the political or moral world, more than in the physical—without an adequate cause. I would ask him, Does he attribute it to the people? to their

want of sufficient intelligence and virtue for self-government? If the true cause may be traced to them, very melancholy would be our situation; gloomy would be the prospect before us. If such be the fact, that our people are, indeed, incapable of self-government, I know of no people upon earth with whom we might not desire to change conditions. When the day comes wherein this people shall be compelled to surrender self-government—a people so spirited and so long accustomed to liberty, it will be indeed a day of revolution, of convulsion and blood, such as has rarely, if ever, been witnessed in any age or country; and, until compelled by irresistible evidence, so fearful a cause cannot be admitted.

Can it be attributed to the nature of our system of government? Shall we pronounce it radically defective, and incapable of effecting the objects for which it was created? If that be, in truth, the case, our situation would be, in fact, not much less calamitous than if attributable to the people. To what other system could we resort? To a confederation? That has already been tried, and has proved utterly inadequate. To consolidation? Reason and experience (as far as we have had experience) proclaim it to be the worst possible form. But if the cause be not in the people or the system, to what can it be attributed but to some misapprehension of the nature and character of our institutions, and consequent misdirection of their powers or functions? And if so, to what other misapprehension or misdirection but that which directed our system towards consolidation, and consummated its movement, in that direction, in the act proposed to be repealed? That such is the fact—that this is the true explanation of all the symptoms of decay and corruption which I have enumerated—is, in reality, our only consolation—furnishes the only hope that can be rationally entertained of extricating ourselves from our present calamity, and of averting the still greater that are impending.

I know that there are those who take a different, but, in my opinion, a very superficial view of the cause of our difficulties. They attribute it exclusively to those who are in power, and see in the misconduct of General Jackson the cause of all that has befallen us. That he has done much to aggravate the evil, I acknowledge with pain. I had my full share of responsibility in elevating him to power, and there once existed between us friendly relations, personal and political; and I would rejoice had he so continued to conduct himself as to advance the interests of the country, and his own reputation and fame. He certainly might have effected much good. He came into office under circumstances, and had a weight of popularity which placed much in his power, for good or for evil; but either from a want of a just comprehension of the duties attached to the situation in which he is placed, or an indisposition to discharge them, or the improper influence and control of those who, unfortunately for the country and for himself, have acquired, through flattery and subserviency, an ascendency over him, he has disappointed the hopes of his friends, and realized the predictions of his enemies. But the question recurs, How happened it that he who has proved himself so illy qualified to fill the high station that he occupies, was elected by the people? If it be attributed to a misapprehension of his qualifications, or to an undue gratitude for distinguished military services, which at times leads astray the most intelligent and virtuous people in the selection of rulers—how shall we explain his re-election, after he had actually proved himself so incompetent; after he had violated every pledge which he had made previous to his election; after he had disregarded the principles on which he had permitted his friends and partisans to place his elevation, and had outraged the feelings of the community by attempting to regulate the domestic intercourse and relations of society? Shall we say that the feelings of gratitude for military services outweighed

all this ? or that the people, with all this experience, were incapable of forming a correct opinion of his conduct or character, or of understanding the tendency of the measures of his administration ? To assert this would be neither more nor less than to assert that they have neither the intelligence nor the virtue for self-government ; as the very criterion by which their capacity in that respect is tested, is their ability duly to appreciate the character and conduct of public rulers, and the true tendency of their public measures ; and to admit their incapacity in that respect would, in fact, bring us back to the people as the cause.

To understand truly how the distinguished individual now at the head of affairs was elevated to this exalted station, in despite of his acknowledged defects in several respects, and how he has retained his power among an intelligent and patriotic people, notwithstanding all the objections to his administration that have been stated, we must elevate our views from the individual, and his qualifications and conduct, to the working of the system itself, by which only we can come to a knowledge of the true cause of our present condition ; how we have arrived at it, and by what means we can extricate ourselves from its dangers and difficulties. I do not deem it necessary, in taking this view, to go back and trace the operation of our Government from the commencement, or to point out the departure from its true principles from the beginning, with the evils thence resulting, however interesting and instructive the investigation might be. I might show that, from the first—beginning with the formation of our constitution—there were two parties in the Convention ; one in favor of a national, or, what is the same thing, a consolidated government, and the other in favor of the confederative principle ; how the latter, from being in the minority at first, gradually, and after a long struggle, gained the ascendency ; and how the fortunate result of that ascendency terminated in the establishment of that beautiful,

complex, federative system of government which I have attempted to explain.

I might show that the struggle between the two parties did not terminate with the adoption of the constitution; that after it went into operation the national party gained the ascendency in the councils, of the country; and that the result of that ascendency was to give an impulse to the Government in the direction to which their principles led, and from which it never afterwards recovered. I am far from attributing this to any sinister design. The party were not less distinguished for patriotism than for ability, and no doubt honestly intended to give the system a fair trial; but they would have been more than men, if their attachment to a favorite plan had not biased their feelings and judgment. I, said Mr. C., avail myself of the occasion to avow my high respect for both of the great parties which divided the country in its early history. They were both eminently honest and patriotic, and the preference which each gave to its respective views resulted from a zealous attachment to the public interest. At that early period, before there was any experience as to the operation of the system, it is not surprising that one should believe that the danger was a tendency to anarchy, while the other believed it to be towards despotism; and that these different theoretical views should honestly have had a decided influence on their public conduct.

I pass over the intermediate events: the reaction against the national, or, as it was then called, federal party—the elevation of Mr. Jefferson in consequence of that reaction in 1801—and the gradual departure (from the influence of power) of the republican party from the principles which brought them into office. I come down at once to the year eighteen hundred and twenty-four, when a protective tariff was for the first time adopted; when the power to impose duties, granted for the purpose of raising revenue, was converted into an instrument of regulating, controlling, and or-

ganizing the entire capital and industry of the country, and placing them under the influence of this Government; and when the principles of consolidation gained an entire ascendency in both Houses of Congress. Its first fruit was to give a sectional action to the Government, and, of course, a sectional character to political parties—arraying the non-exporting States against the exporting, and the Northern against the Southern section.

It is my wish to speak of the events to which I feel myself compelled to refer, in illustration of the practical operation of that consolidating tendency of the Government, which was consummated by the act proposed to be repealed, and which I believe to be the cause of all our evils, with the greatest possible moderation. I know how delicate a task it is to speak of recent political events, and of the actors concerned in them; and I would, on this occasion, gladly avoid so painful a duty, if I did not believe that truth and the public interest require it. Without a full understanding of the events of this period, from 1824 down to the present time, it is impossible that we can have a just knowledge of the cause of our present condition, or a clear perception of the means of remedying it. To avoid all personal feeling, I shall endeavor to recede, in imagination, a century from the present time, and from that distant position regard the events to which I allude, in that spirit of philosophical inquiry by which an earnest seeker after truth, at so remote a day, may be supposed to be actuated. I feel I may be justified in speaking with the less reserve of these events, as the great question which, during the greater part of the period, so deeply agitated the country (the protective tariff), may now be considered as terminated in the adjustment of the last winter, never to be reagitated, as I trust; and, of course, may be spoken of with the freedom of a past event.

But to proceed with the narrative. The Presidential contest, which was terminated the next year, placed the ex-

ecutive department under the control of the same interest that controlled the legislative—so that all the departments of this Government were united in favor of that great interest. The successful termination of the election in favor of the individual then elevated to the chief magistracy, and for whom I then and now entertain kind feelings, may be attributed in part, no doubt, to the predominance of the tariff interest; and may be considered as the first instance of the predominance of that interest in a Presidential contest.

Let us pause at this point (it is an important one), in order to survey the state of public affairs at that juncture. In casting our eyes over the scene, we find the country divided into two great hostile and sectional parties—placed in conflict on a question, believed to be on both sides of vital importance, in reference to their respective interests; and, on the side of the weaker party, believed, in addition, to involve a constitutional question of the greatest magnitude, and having a direct and important bearing on the duration of the liberty and constitution of the country. In this conflict, we find both Houses of Congress, with the chief magistrate, and, of course, the Government itself, on the side of the dominant interest, and identified with it in principles and feelings. In this state of things, a great and solemn question, What ought to be done? was forced on the decision of the minority. Shall we acquiesce, or shall we oppose? and if oppose, how? To acquiesce quietly would be to subject the property and industry of an entire section of the country to an unlimited and indefinite exaction; as it was openly avowed that the protective system could only be perfected by being carried to the point of prohibition on all articles of which a sufficient supply could be made or manufactured in the country. To submit under such circumstances would have been, according to our view of the subject, a gross dereliction both of interest and duty. It was impossible. But how could the majority be successfully opposed, possessed, as they

were, of every department of the Government? How, in this state of things, could the minority effect a change in their favor through the ordinary operations of the Government? They could effect no favorable change in this or the other House—the majority in both but too faithfully representing what their constituents believed to be the interests of their section, to whom only, and not to us, they were responsible. The only branch of the Government, then, on which the minority could act, and through which they could hope to effect a favorable change, was the Executive. The President is elected by a majority of the whole electoral votes; and, of course, the minority have a weight in his election, in proportion to their number and the unity of their voice. Here was all our hope, and to this point all our efforts to effect a change were necessarily directed. But even here our power of acting with effect was limited to a narrow circle. It would have been hopeless to present a candidate openly and fully identified with our own interest. Defeat would have been the certain result, had his acknowledged qualifications for intelligence, experience, and patriotism been ever so great. We were thus forced, by inevitable consequence,—neither to be avoided nor resisted,—to abandon the contest, or to select a candidate who, at best, was but a choice of evils; one whose opinions were intermediate or doubtful on the subject which divided the two sections. However great the hazard, or the objections to such a selection for such an office, it must be charged, not to us, but to that action of the system which compelled us to make the choice—compelling us by that consolidating tendency which had drawn under the control of this Government the local and reserved powers belonging to the States separately; the exercise of which had necessarily given the direction to its action, that created and placed in conflict the two great sectional, political parties.

But it was not sufficient that the opinion of our candidate should not be fully in coincidence with our own. That

alone could not be sufficient to insure his success. It was necessary that he should have great *personal* popularity, distinct from political; to be, in a word, a successful military chieftain, which gives a popularity the most extensive, and the least affected by political considerations; and this was another fruit—a necessary fruit of consolidation. To these recommendations others must be added, in order to conciliate the feelings of the minority—that he should be identified, for instance, with them in interest—possess the same property, and pursue the same system of industry. These qualifications, all of which were made indispensable by the juncture, pointed clearly to one man, and but one—General Jackson. There was, however, another circumstance which gave him great prominence and strength, and which greatly contributed to recommend him as the opposing candidate. He had been defeated in the Presidential contest before the House of Representatives (though returned with the highest vote) under circumstances which were supposed to involve a disregard of the public voice. I do not deem it necessary to enter into an inquiry as to the principles which controlled the election, or as to the view of the actors in that scene. Many considerations doubtless governed, and among others, the feelings of prominent individuals in reference to the candidates, and their opinion of their respective qualifications, besides the one to which I have alluded—that of giving to the dominant interest that control over the executive which they had over the legislative department.

These combined motives, as I have stated, pointed distinctly to General Jackson. He was selected as the candidate of the minority—and the canvass entered into with all that zeal which belonged to the magnitude of the stake, united with the consciousness of honest and patriotic purpose. The leading objects were to effect a great political reform, and to arrest, if possible, what we believed to be a dangerous, and felt to be an oppressive action of the Govern-

ment. It is true that the qualifications of the individual, thus necessarily selected, were believed to be, in many important particulars, defective ; that he lacked experience, extensive political information, and command of temper ; but it was believed that his firmness of purpose, and his natural sagacity, by calling to his aid the experience, the talents, the patriotism of those who supported his claims, would compensate for these defects.

I do not deem it necessary to enter into a history of this interesting and animated canvass ; but there is one circumstance attending it so striking, so full of instruction, and so illustrative of the point under consideration, that I cannot pass it in silence. The canvass soon ran into the great and absorbing question of the day, as all ordinary diseases run into the prevailing one. Those in power sought to avail themselves of the popularity of the system with which they were identified. I speak it not in censure. It was natural, perhaps unavoidable, as connected with the morbid action of the Government. That portion of our allies identified with the same interest, were in like manner, and from the same motive and cause, forced into a rivalry of zeal for the same interest. The result of these causes combined with a monopolizing spirit of the protective system, was the tariff of eighteen hundred and twenty-eight : that disastrous measure, which has brought so many calamities upon us, and put in peril the union and liberty of the country. It poured millions into the treasury beyond even the most extravagant wants of the Government ; which, on the payment of the public debt, caused that hazardous juncture, resulting from a large undisposable surplus revenue, which has spread such deep corruption in every direction.

This disastrous event opened our eyes (I mean myself and those immediately connected with me) as to the full extent of the danger and oppression of the protective system, and the hazard of failing to effect the reform intended through

the election of General Jackson. With these disclosures, it became necessary to seek some other ultimate, but more certain measure of protection. We turned to the constitution to find this remedy. We directed a more diligent and careful scrutiny into its provisions, in order to ascertain fully the nature and character of our political system. We found a certain and effectual remedy in that great fundamental division of the powers of the system between this Government and its independent co-ordinates,—the separate governments of the States ;—to be called into action to arrest the unconstitutional acts of this Government, by the interposition of the States—the paramount source from which both governments derive their power. But in relying on this as our ultimate remedy, we did not abate our zeal in the Presidential canvass ; we still hoped that General Jackson, if elected, would effect the necessary reform, and thereby supersede the necessity for calling into action the sovereign authority of the State, which we were anxious to avoid. With these views, the two were pushed with equal zeal at the same time ; which double operation commenced in the fall of eighteen hundred and twenty-eight, but a few months after the passage of the tariff act of that year ; and at the meeting of the Legislature of the State, at the same period, a paper, known as the South Carolina Exposition, was reported to that body, containing a full development, as well on the constitutional point, as on the operation of the protective system, preparatory to a state of things which might eventually render the action of the State necessary in order to protect her rights and interests, and to stay a course of policy which we believed would, if not arrested, prove destructive of liberty and the constitution. This movement on the part of the State, places beyond all controversy the true character of the motives which governed us in the Presidential canvass. We were not the mere partisans of the candidate we supported. We aimed at a far more exalted object than his elec-

tion—the defence of the rights of the State, and the security of liberty and of the constitution. To this we held his election entirely subordinate. This we pursued, unwarped by selfish or ambitious views.

The contest terminated in the elevation of him who now presides; but it soon became apparent that our apprehensions that we might be disappointed in the expected reform, were not without foundation. That occurred, which we ought, perhaps, to have expected, and which, under similar circumstances, has rarely failed to follow. He who was elevated to power proved to be more solicitous to retain what he had acquired than to fulfil the expectation of those who had honestly contributed to his elevation, with a view to political reform. The tale may be readily told: not a promise fulfilled—not a measure adopted to correct the abuses of the system—not a step taken to arrest the progress of consolidation, and to restore the confederative principles of our Government—not a look cast to the near approach of the payment of the public debt—nor an effort made to reduce gradually the duties, in order to prevent a surplus revenue, and to save the manufactures which had grown up under the protective system, from the hazard of a shock caused by a sudden reduction of the duties. All were forgotten; and, instead of attempting to control events, the Executive was only solicitous to occupy a position the most propitious to retain and increase his power. It required but little penetration to see that the position sought was a middle one between the contending parties;—to be identified with no principle or policy, but to rely on the personal popularity of the incumbent, and the power and patronage of the Government, as the means of support. Hence a third party was formed, a personal and Government party, made up of those who were attached to the person and the fortunes of a successful political chief. In a word, we had exhibited to our view, for the first time under our system, that most danger-

ous spectacle, in a country like ours, a *prerogative* party, who take their creed wholly from the mandate of their chief. The times were eminently propitious for the formation of such a party. Millions were poured into the treasury by the high protective duties of eighteen hundred and twenty-eight, furnishing an overflowing fund to secure the services of expectants and partisans. Against these superabundant means of power there was not, nor could there be, as things were situated, any effective resistance—all being necessarily withdrawn in consequence of the fierce contest between the two sections which continued to rage with increasing violence, and which wasted the strength of the parties on each other, instead of opposing the rapidly-increasing power of the Executive. This, and not the personal or the military popularity of General Jackson, is the true explanation of the fact, which has struck so many with wonder, that no misconduct —that no neglect of duty nor perversions of the power of Government, however gross, have been able to shake his power and popularity; and that the people have looked idly on, apparently bereaved of every patriotic sentiment, or joined to swell the tide of power with shouts of approbation at every act, however outrageous. I do not doubt that his personal popularity, arising from his military achievements, contributed much to his elevation (in fact, it was one of the elements, as stated, which governed his selection as a candidate), and to sustain him while in power; but I feel a perfect conviction that, whatever advantage he has gained from this source, has been more than counterbalanced by the mismanagement and blunders of his administration; and that, under the circumstances, it would be equally difficult to expel from power any individual of sagacity and firmness, in possession of that department. Let us learn, from the instructive history of this interesting period, that despotic power, under our system, commences with the usurpation of this Government on the reserved powers of the

States, and terminates in the concentration of all the powers of this Government in the person of a chief magistrate ; and that, unless the first be resisted, the latter follows by a law as necessary, resistless, and inevitable, as that which governs the movements of the solar system.

As soon as it was perceived that he whom we had elevated to office was, as I have stated, more intent to retain and augment his power than to meet the just expectations on which he was supported, we totally despaired of relief and reform through the ordinary action of this Government, and separated, from that moment, from the administration ; withdrew from the political contest here, and concentrated all our energies on that ultimate remedy which we had taken the precaution to prepare, in order to be called into action in the event of things taking the direction they have.

An active discussion followed in the State, in which the principles and character of our political institutions were fully investigated, and a clear perception of the danger to which the country was exposed was impressed upon the public mind. Still, the determination was fixed not to act while there was a ray of hope of redress from the Government ; and we accordingly waited the approach of the final payment of the public debt, when all pretexts for keeping up the extravagant duties of eighteen hundred and twenty-eight would cease. The near approach of that event caused the passage of the act of eighteen hundred and thirty-two, which was proclaimed on both sides, by the opposition and the administration, to be a final and permanent adjustment of the protective system. We felt every disposition to acquiesce in any reasonable adjustment, but it was impossible, consistently with our views of the nature of our rights, and the consequences involved in the contest, to submit to the act. The protective principle was fully maintained ; the reduction was small, and the distribution of the burden between the two sections more unequal than under the act of eighteen hun-

dred and twenty-eight. Every effort was made to magnify the amount of reduction. With that view false and deceptive calculations were made, and that, too, in official documents, in order to make the impression that the revenue would be reduced to the legitimate wants of the Government, or, at least, nearly so. We were not to be imposed upon by such calculations. We clearly perceived that the income would be at least from twenty-two to twenty-five millions of dollars, nearly double what the Government ought to expend; and we as clearly saw how much so large a permanent surplus must contribute to corrupt the country and undermine our political institutions. Seeing this, with a prospect of an indefinite continuance of the heavy and useless tax levied in the shape of duties, the State interposed, and by that interposition prepared to arrest within its limits the operation of the protective system—interposed, not to dissolve the Union, as was calumniously charged, but to compel an adjustment here or through a convention of the States, or, if an adjustment could not be had through either, to compel the Government to abandon the protective system.

The moment was portentous. Our political system rocked to the centre. Whatever diseases existed within, engendered by long corruption and abuse, were struck to the surface. The Proclamation and the message of the President appeared, containing doctrines never before officially avowed—going far beyond the extreme tenets of the federal party, and in direct conflict with all that had ever been entertained by the republican party; and yet, such was the corruption, such the subserviency to power, that both parties, forgetting the past, abandoning every political principle, however sacred or long entertained, rushed to the embrace of the new creed—suddenly, instantly, without the slightest hesitation. Never did a free people exhibit so degraded a spectacle—give such evidence of the loose attachment to principle, or greater subserviency to power. At this moment the current of events

tended towards despotic authority in the person of the chief magistrate on the one side, and to disunion on the other; on one side to clothe the President with power more than dictatorial, in order to maintain the ascendency of the protective system; and, on the other, to resist the loss of liberty at every hazard. Fortunately for the country, there was, at the time, in the councils of the nation an individual who had the highest weight of authority with the supporters of that system—one who had done more to advance it than any other—who was the most intimately identified with it, and to whom, of course, the task of adjustment most appropriately belonged. Fortunately, also, he had the disposition and the fortitude to undertake it. An adjustment followed; the crisis of the disease passed; the body politic from that moment became convalescent; the tendency to despotic power in the Executive was weakened—doubly weakened—by enabling those who had been so long wasting their strength in mutual conflict, to unite in resisting the usurpations of that department, as we this day behold on the question of the deposits; and by diminishing the revenue—the food on which it had grown to such enormous dimensions. In a short time the decreasing scale of duties will cause the effect of this diminution to be felt—a period that will be hastened by that profuse and profligate disbursement which has nearly doubled the public expenditure, and which is so rapidly absorbing the surplus revenue.

I have said that the crisis is passed; yet there remain some troublesome and even dangerous symptoms, growing out of the former cause of the disease, which, however, may be overcome by skill and decision; unless, indeed, they should run into the lurking cause of another, and most dangerous disease, with which it is intimately connected, and excite it into action; I mean the rotten state of the currency. There are indications, of a very dangerous and alarming character, of this tendency, at the point where the cur-

rency is the most disordered. I refer to the measure now pending before the Legislature of New-York, to pledge the capital and the industry of the State, to the amount of six millions of dollars, in support of the banks—a measure of a kind that a British minister (Lord Althorp), with all the power of parliament to support him, refused to adopt, because of its dangerous and corrupting tendency.

Let us now turn, and inquire, What would have been the course of events if the State had not interposed, and things had been permitted to take their natural course? The act of eighteen hundred and thirty-two was proclaimed, —as I have stated,—on both sides, to be a final settlement of the tariff question, and of course, was intended to be a permanent law of the land. The revenue, as I have already said, under that act, and the sales of public lands, would, in all probability, be not less than twenty-five millions of dollars per annum: a sum exceeding the legitimate wants of the Government, estimated on a liberal scale, by ten or eleven millions of dollars. Now, I ask, What would have been our situation, with so large an annual surplus, and a fierce sectional conflict raging between the Northern and Southern portions of the Union? If we find it so difficult to resist the usurpation of the executive department with a temporary surplus revenue, to continue at most but for one or two years, how much more difficult would it have been to resist with a permanent surplus such as I have stated? If we find it so difficult to resist that department when those who have been separated by the tariff are united, how utterly hopeless would have been the prospect of resistance were that question now open, and were those who are now united against executive encroachments exhausting their strength against each other? Is it not obvious that the executive power, under such circumstances, would have been irresistible, and that we should have been impelled rapidly to despotism or disunion? One or the other would cer-

tainly have followed if events had been permitted to move in the channel in which they were then flowing—and despotism much more probable than disunion. It is almost without example that free states should be disunited in consequence of the violence of internal conflicts ; but very numerous are the cases in which such conflicts have terminated in the establishment of despotic power. The danger of disunion is small ; that of despotism great. We have, however, I trust, escaped, for the present, the danger of both, for which we are indebted to that great conservative principle of our system, which considers this Government and that of the States as co-ordinates ; and which proved successful, although rejected by every State but one, and although called into action on the most trying occasion that can be imagined, and under the most adverse circumstances.

I said that the danger has passed for the present. The seeds of the disease still remain in the system. The act which I propose to repeal accompanied the adjustment of the tariff. It was passed solely on the ground of recognizing the principles in which it originated, and to establish them, as far as an act of Congress could do so, as the permanent law of the land. While these seeds remain, it will be in vain to expect a healthy state of the body politic : alienation, the loss of confidence, suspicion, jealousy, on the part of the weaker section at least, who have experienced the bitter fruits that spring from those principles, must accompany the movements of this Government. But these seeds will not remain in the system without germinating. Unless removed, the genius of consolidation will again exhibit itself ; but in what form, whether in the revival of the question from whose dangers we have not yet wholly escaped ; whether between North and South, East and West ; whether between the slaveholding and the non-slaveholding States ; the rich and poor, or the capitalist and the operatives, it is not for me to say ; but that it will again revive (unless, by your votes, you ex-

punge the act from your statute-book), to divide, distract, and corrupt the community, is certain. Nor is it much less so that, when it again revives, it will pass through all those stages which we have witnessed, and, in all human probability, consummate itself, and terminate, finally, in a military despotism. Reverse the scene—let the act be obliterated for ever from among our laws; let the principle of consolidation be for ever suppressed, and that admirable and beautiful federative system, which I have so imperfectly portrayed, be firmly established,—and renovated health and vigor will be restored to the body politic, and our country may yet realize that permanent state of liberty, prosperity, and greatness, which we all once so fondly hoped was our allotted destiny.

SPEECH

On the Protest of the President of the United States, delivered in the Senate, May 6th, 1834.

In order to have a clear conception of the nature of the controversy in which the Senate finds itself involved with the President, it will be necessary to pass in review the events of the last few months, however familiar they may be to the members of this body.

Their history may be very briefly given. It is well known to all, that the act incorporating the Bank of the United States made that institution the fiscal agent of the Government; and that, among other provisions, it directed that the public money should be deposited in its vaults. The same act vested the Secretary of the Treasury with the power of withholding the deposits, and, in the event of withholding them, required him to report his reasons to Congress.

The late Secretary, on the interference of the President, refused to withhold the deposits, on the ground that satisfactory reasons could not be assigned; for which the President removed him, and appointed the present incumbent in his place expressly with a view that he should perform the act his predecessor had refused to do. He accordingly removed the deposits, and reported his reasons to Congress; and the whole transaction was thus brought up for our approval or disapproval entirely by the act of the Executive, without participation or agency on our part; and we were thus placed in a situation in which we were compelled to express our approbation or disapprobation of the transaction, or to shrink from the performance of an important duty. We could not hesitate. The subject was accordingly taken up, and after months of deliberation, in which the whole transaction was fully investigated and considered, and after the opinions of all, the friends as well as the opponents of the administration, were fully expressed, the Senate passed a resolution disapproving the reasons of the Secretary. But they were compelled to go further. That resolution covered only a part of the transaction, and that not the most important. The Secretary was but the agent of the President in the transaction. He had been placed in the situation he occupied expressly with a view of executing the order of the President, who had openly declared that he assumed the responsibility, and his declaration was reiterated here in the debate by those who are known to speak his sentiments. To omit, under these circumstances, an expression of the opinion of the Senate in relation to this transaction, viewed as the act of the President, would have been, on the part of the Senate, a manifest dereliction of duty.

With this impression the second resolution was adopted. It was drawn up in the most general terms, and with great care, with the view to avoid an expression of opinion as to the motive of the Executive, and to limit the expression simply

to the fact, that, in the part he had taken in the transaction, he had assumed powers neither conferred by the constitution nor the laws, but in derogation of both. It is this resolution, thus forced upon us, and thus cautiously expressed, which has so deeply offended the President, and called forth his Protest, in which he has undertaken to judge of the powers of the Senate; to assign limits in their exercise to which they may, and beyond which they shall not go; to deny their right to pass the resolution; to charge them with usurpation and the violation of law and of the constitution in adopting it; and, finally, to interpose between the Senate and their constituents, and virtually to pronounce upon the validity of the votes of some of its members on the ground that they do not conform with the will of their constituents.

This is a brief statement of the controversy, which presents for consideration the question, What is the real nature of the issue between the parties?—a question of the utmost magnitude, and on the just and full comprehension of which the wisdom and propriety of our course must mainly depend.

It would be a great mistake to suppose that the issue involves the question, whether the Senate had a right to pass the resolution or not; or what is its character; or whether it be true in point of fact or principle; or whether it was expedient to adopt it. All these are important questions, but they were fully and deliberately considered, and were finally decided by the Senate, on their responsibility to their constituents, in the adoption of the resolution—finally and irrevocably decided; so that they cannot be opened for reconsideration and decision by the will of the body itself according to the rules of its proceedings, much less on the demand of the President. No; the question is not whether we had a right to pass the resolution. It is one of a very different character, and of much greater magnitude. It is whether *the President has a right to question our decision?* This is the real question at issue—a question which goes

in its consequences to all the powers of the Senate, and which involves in its decision the fact, whether it is a separate and independent branch of the Government, or a mere appendix of the executive department. If the President has, indeed, the right *to question* our opinion—if we are in fact accountable to him, then all that he has done has been rightfully done; then he would have the right to send us his Protest; then he would have the right to judge of our powers, and to assign limits beyond which we shall not pass; then he would have the right to deny our authority to pass the resolution, and to accuse us of usurpation and the violation of law and of the constitution in its adoption. But if he has not the right, if we are not accountable to him, then all that he has done has been wrongfully done, and his whole course from beginning to end, in relation to this matter, would be an open and palpable violation of the constitution and the privileges of the Senate.

Fortunately, this very important question, which has so direct a bearing on the very existence of the Senate as a deliberative body, is susceptible of the most certain and unquestionable solution. Under our system, all who exercise power are bound to show, when questioned, by what authority it is exercised. I deny the right of the President to question the *proceedings* of the Senate—utterly deny it; and I call upon his advocates and supporters on this floor to exhibit his authority; to point out the article, the section, and the clause of the constitution which contains it; to show, in a word, the *express* grant of the power. None other can fulfil the requirements of the constitution. I proclaim it as a truth—as an unquestionable truth of the highest import, and heretofore not sufficiently understood, that the President has no right to exercise any implied or constructive power. I speak upon the authority of the constitution itself, which, by an express grant, has vested all the implied and constructive powers in Congress, and in Congress alone. Hear what the

constitution says: Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers (those granted to Congress), and all other power vested by this constitution in the Government of the United States, or in any department or officer thereof."

Comment is unnecessary—the result is inevitable. The Executive cannot, and, I may add, no department except the legislative can exercise any power *without express grant by the constitution, or by authority of law*—a noble and wise provision, full of the most important consequences. By it, ours is made emphatically a constitutional and legal government, instead of a government controlled by the discretion or caprice of those who are appointed to administer and execute its powers. By it, our Government, instead of consisting of three independent, separate, conflicting, and hostile departments, has all its powers blended harmoniously into one, without the danger of conflict, and without destroying the separate and independent existence of the parts. Let us pause for a moment to contemplate this admirable provision, and the simple but efficient contrivance by which these happy results are secured.

It has often been said that this provision of the constitution was unnecessary; that it grew out of abundant caution, to remove the possibility of a doubt as to the existence of implied or constructive powers; and that they would have existed without it, and to the full extent that they now do. They who consider the provision in this light, as mere surplusage, do great injustice to the wisdom of those who formed the constitution. I shall not deny that implied or constructive powers would have existed, and to the full extent that they now do, without this provision; but, had it been omitted, a most important question would have been left open to controversy—Where would such powers reside? In each department? Would each have had the right to interpret

its own power, and to assume, on its own will and responsibility, all the powers necessary to carry into effect those granted to it by the constitution? What would have been the consequence? Who can doubt that a state of perpetual and dangerous conflict between the departments would be the necessary, the inevitable result, and that the strongest would ultimately absorb all the powers of the other departments? Need I designate which is that strongest? Need I prove that the Executive, the armed interpreter, as I said on another occasion, vested with the patronage of the Government, would ultimately become the sole expounder of the constitution? It was to avoid this dangerous conflict between the departments, and to provide most effectually against the abuses of discretionary or implied powers, that this provision has vested all the implied powers in Congress. But, it may be asked, are they not liable to abuse in the hands of Congress? Will not the same principle of our nature, which impels one department to encroach upon the other, equally impel Congress to encroach upon the executive department? Those who framed the constitution clearly foresaw this danger, and have taken measures effectually to guard against it. With this view, the constitution has raised the President from being a mere executive officer, to a participation in the legislative functions of the Government; and has, among other legislative powers, clothed him with that of the veto, mainly with a view to protect his rights against the encroachment of Congress. In virtue of this important power, no bill can become a law till submitted for his consideration. If he approves, it becomes a law; but if he disapproves, it is returned to the House in which it originated, and cannot become one unless passed by two-thirds of both Houses. And in order to guard his powers against the encroachments of Congress, through all the avenues by which it can possibly be approached, the constitution expressly provides, "that every order, resolution, or vote to which the concurrence of the

Senate and House of Representatives may be necessary, [none other can operate beyond the limits of their respective halls,] except on a question of adjournment, shall be presented to the President of the United States, and, before the same shall take effect, shall be approved by him; or, being disapproved by him, shall be repassed by two-thirds of the Senate and the House of Representatives, according to the rules and limitations prescribed in the case of a bill." These provisions, with the patronage of the Executive, give ample protection to the powers of the President against the encroachment of Congress, as experience has abundantly shown.

But here a very important question presents itself, which, when properly considered, throws a flood of light on the question under consideration. Why has the constitution limited the veto power to bills, and to the orders, votes, and resolutions, requiring the concurrence of both Houses? Why not also extend it to their separate votes, orders, or resolutions? But one answer can be given. The object was to protect the independence of the two Houses; to prevent the Executive from interfering with their proceedings, or to have any control over them, as is attempted in his Protest;—and this, on the great principle which lies at the foundation of liberty, and without which it cannot be preserved—that deliberative bodies should be left without extraneous control or influence, free to express their opinions and to conduct their proceedings, according to their own sense of propriety. And we find, accordingly, that the constitution has not only limited the veto to the cases requiring the concurring votes of the two Houses, but has expressly vested each House with the power of establishing its own rules of proceeding, according to its will and pleasure, without limitation or check. Within these walls, then, the Senate is the sole and absolute judge of its own powers; and as to the mode of conducting the business, and determining how, and when, our opinions ought to be expressed, there is no other standard of right or

wrong to which an appeal can be made, but the constitution, and the rules of proceeding established under the authority of the Senate itself. And so solicitous is the constitution to secure to each House a full control over its own proceedings, and the freest and fullest expression of opinion on all subjects, that even the majesty of the laws are relaxed to insure a perfect freedom of debate. It is worthy of remark, that the provision of the constitution which I have cited, investing Congress solely with the implied or constructive powers, is so worded as not to comprehend the discretionary powers of each of the two Houses in determining the rules of their respective proceedings, and which, of course, places each beyond the interference of Congress itself.

Let us now cast our eyes back, in order that we may comprehend, at a single glance, the admirable arrangements by which the harmony of the Government is secured, without impairing the separate existence and independence of either of the departments. In order to prevent the conflicts which would have resulted, necessarily, if each department had been left to construe its own powers, all the implied or constructive powers are vested in Congress ; that Congress should not, through its implied powers, encroach upon the executive department, the President is clothed with the veto power ; and that his veto should not interfere with the rights of the two Houses to control their respective proceedings, it is limited to bills or votes that require the concurrence of the two Houses. It is thus that walls are interposed to protect the rights which belong to us, as a separate constituent member of the Government, from the encroachments of the Executive power ; and it is thus that the power which is placed in his hands, as a shield to protect him against the implied or constructive powers of Congress, is prevented from being converted into a sword to attack the rights exclusively vested in the two Houses.

Having now established beyond controversy that the

President has no implied or constructive power; that he has no authority to exercise any right not expressly granted to him by the constitution, or vested in him by law; and that the constitution has secured to the Senate the sole right of regulating its own proceedings, free from all interference, the fabric reared by this paper, and which rests upon the opposite basis, presupposing the right to the fullest and boldest assumption of discretionary powers on the part of the President, falls prostrate in the dust. Entertaining these views, it will not be expected that I should waste the time of the Senate in examining its contents; but, if additional proofs were necessary to confirm the truth of my remarks, and to show how strong would have been the tendency to conflict, and how dangerous it would have been to have left the several departments in possession of the right to exercise implied powers at their pleasure, this paper would afford the strongest. In illustration of the correctness of this assertion, I will select two or three of its leading positions, which will show what feeble barriers reason or regard to consistency would interpose to prevent conflict between the departments, or to protect the legislative from the executive branch of the Government; and how regardless the President is of consistency and reason where the object is the advancement of the powers of his department.

In order to prove that the Senate had no right to pass the resolution in question, the President enters into a long disquisition on the nature and character of our Government. He tells us, that it consists of three separate and independent departments—the legislative, executive, and judicial. That the first is vested in Congress; the second in the President; and the last in the courts, with a few exceptions, which he enumerates. He also informs us that these departments are coequal, and that neither has the right to coerce or control the other; and then concludes that the Senate had no right to pass the resolution in question.

It is not my intention to inquire whether the view of the Government which the President has presented be, or be not correct; though it would not be difficult to show that his conception as to their coequality and independence, taken in the ordinary acceptation of these terms, would deprive the Senate of all its judicial powers, and much of its legislative. I will assume that his views are correct; and that, as co-equal departments, neither has the right to interfere with the other,—and what follows? If we have no right to disapprove of his conduct, he surely has none, on his own principle, to disapprove of ours. It would seem impossible that so obvious and necessary a consequence could be overlooked; yet so blind is ambition in pursuit of power, so regardless of reason or consistency, that the President, while he denies to us the right to interfere with him, or question his acts, does not hesitate to charge the Senate, directly and repeatedly with usurpation, and a violation of the laws and of the constitution.

The advocates of the President could not but feel the glaring inconsistency and absurdity of his course; and, in order to reconcile his conduct with the principles he laid down, asserted, in the discussion, that he sent his Protest, not as President of the United States, but in his individual character as Andrew Jackson. We may assert any thing—that black is white, or that white is black. Every page, every line of this paper contradicts the assertion. He, throughout, speaks in his official character as President of the United States, and regards the supposed injury that has been done him, as an injury, not in his private, but in his official character. But the explanation only removes the difficulty one step further back. I would ask what right has the President of the United States to divest himself of his official character in a question between him and this body touching his official conduct? Where is his authority to descend from his high station, in order to defend himself, as

a mere private individual, in what relates to him in his public character?

But the part of this paper which is the most characteristic, that which lets us into the real nature and character of this movement, is the source from which the President derives the right to interfere with our proceedings. He does not even pretend to derive it from any power vested in him by the constitution, express or implied. He knew that such an attempt would be utterly hopeless, and, accordingly, instead of a question of right, he makes it a question of duty; and thus inverts the order of things, referring rights to duties, instead of duties to rights, and forgetting that rights always precede duties, which are in fact but the obligations they impose, and, of course, that they do not confer power. The opposite view—that on which he acts, and which would give to the President a right to assume whatever duty he might choose, and to convert such duties into powers, would, if admitted, render him as absolute as the Autocrat of all the Russias. Taking this erroneous view of his powers, he could be at little loss to justify his conduct;—to justify, did I say? He takes higher, far higher ground; he makes his interference a matter of obligation—of solemn obligation—of imperious necessity, the tyrant's plea. He tells us that it was due to his station—to public opinion—to proper self-respect—to the obligation imposed by his constitutional oath—his duty to see the laws faithfully executed—his responsibility as the head of the executive department—and to the American people as their immediate representative, to interpose his authority against the usurpations of the Senate. Infatuated man! blinded by ambition—intoxicated by flattery and vanity! Who, that is the least acquainted with the human heart; who, that is conversant with the pages of history, does not see, under all this, the workings of a dark, lawless, and insatiable ambition, which, if not arrested, must finally impel him to his own or his country's ruin?

It would be a great mistake to suppose that this Protest is the termination of his hostility towards the Senate. It is but the commencement—it is the proclamation in which he makes known his will to the Senate, claims their obedience, and admonishes them of their danger should they refuse to repeal their ordinance—no, not ordinance—their resolution. I am hurried away by the recollection of the events of the last session. The hostilities then and now waged are the same in their nature, character, and principle, differing only in their objects and the parties. Then it was directed against a sovereign member of this confederacy; now against the Senate. Then the Senate was associated with the Executive as its ally; now it is the object of his attack. I repeat, hostilities will be prosecuted against us unless we repeal our resolution—to effect which is the object of sending us this Protest. For, disguise it as we may, to receive this Protest, and to enter it upon our journals, would be a virtual repeal, a surrender of our rights, and an acknowledgment of his superiority; and in that light it would be considered by the country and the world—by the present and future generations.

Should we repeal our resolutions, by receiving and entering this Protest on the journals, we, no doubt, will be taken into favor, and our past offences be forgiven: but if not, we may expect that the war message (unless, indeed, the public indignation should arrest it) will follow in due time, of which the Protest contains many indications not to be misunderstood.

It is impossible for the most careless observer to read this paper without being struck with the extreme solicitude which the President evinces to place himself in a position between the Senate and the people. He tells us again and again, with the greatest emphasis, that he is the immediate representative of the American people. He the immediate representative of the American people! I thought the Pre-

sident professed to be a State Rights' man, placed at the head of the State Rights' party; that he believed the people of these States were united in a constitutional compact, as forming distinct and sovereign communities; and that no such community or people as the American people, taken in the aggregate, existed. I had supposed that he was the President of the United States, the only title by which he is legally and constitutionally known; and that the American people are not represented in a single department of the Government; no, not even in the other House which represents the people of the several States as distinct from the people in the aggregate, as was solemnly determined at the very commencement of the Government, under the immediate authority of Washington himself. Such, I had supposed, was the established political creed of the party at the head of which he professed to be, and yet he claims to be not only the representative, but the immediate representative of the American people. What effrontery! What boldness of assertion! The *immediate* representative! Why, he never received a vote from the American people. He was elected by the electors chosen either by the people of the States or by their legislatures; and, of course, is at least as far removed from the people as the members of this body, who are elected by legislatures chosen by the people; and who, if the truth must be told, more fully and perfectly represent the people of these States than the electoral colleges, since the introduction of National Conventions composed of office-holders and aspirants, under whose auspices the presidential candidate of the dominant party is selected, and who, instead of the real voice of the people, utter that of a mercenary corps, with interests directly hostile to theirs.

But why all this solicitude on the part of the President to place himself near to the people, and to push us off to the greatest distance? Why this solicitude to make himself their sole representative—their only guardian and protector

—their only friend and supporter? The object cannot be mistaken. It is preparatory to further hostilities—to an appeal to the people; and is intended to prepare the way in order to transmit to them his declaration of war against the Senate—to enlist them as his allies in the contest which he contemplates waging against this branch of the Government. If any one doubts his intention, let him cast his eyes over the contents of this paper, and mark with what anxiety he seeks to place himself in an attitude hostile to the Senate; how he has converted a simple expression of opinion into an accusation—a charge of guilt; a denunciation of his conduct, an impeachment,—in which he represents himself as having been tried and condemned without hearing or investigation. The President is an old tactician, and understands well the advantage of carrying on a defensive war with offensive operations, in which the assailed assaults the assailant; and his object is to gain a position so commanding in the prosecution of the hostilities which he meditates.

Having secured this important position, as he supposes, he next endeavors to excite the sympathy of the people, whom he seeks to make his allies in the contest. He tells them of his wounds—wounds received in the war of the Revolution; of his patriotism; of his disinterestedness; of his freedom from avarice or ambition; of his advanced age, and, finally of his religion; of his indifference to the affairs of this life, and of his solicitude for that which is to come. Can we mistake the object? Who does not see what is intended? Let us bring under a single glance the facts of the case. He first seized upon the public money, took it from the custody of the law, and placed it in his own possession,—as much so, as if placed in his own pocket. The Senate disapproves of the act, and opposes the only obstacle that prevents him from becoming complete master of the public treasury. To crush the resistance which they interpose to his will, he seeks a quarrel with them; and, with

this view, seizes on the resolution in question as the pretext. He sends us a Protest against it, in which he resorts to every art to enlist the feelings of the people on his side, preparatory to a direct appeal to them to engage as his allies in the war which he intends to carry on against the Senate till they submit to his authority. He has proclaimed, in advance, that the right to interfere involves the right to make that interference *effectual*. To make it so, force only is wanted. Give him an adequate force, and a speedy termination would be put to the controversy.

Since, then, hostilities are intended, it is time that we should deliberate how we ought to act—how the assaults upon our constitutional rights and privileges ought to be met. If we consult what is due to the wisdom and dignity of the Senate, there is but one mode : meet it at the threshold. Encroachments are most easily resisted at the commencement. It is at the extreme point—on the frontier, that, in a contest of this description, the assailant is the weakest, and the assailed the strongest. It is there that the purpose of the usurper is the most feeble, and the indignation of those whose rights are encroached upon, the strongest. Permit the frontier of our rights to be passed and let the question be,—not resistance to usurpation, but at what *point* we shall resist,—and the conquest will be more than half achieved. I, at least, said Mr. Calhoun, will act on these principles. I shall take my stand at the door of the Senate, if I should stand there alone. I deny the right of the President to send us his Protest. I deny his right to question, within this chamber, our opinions in any case, or in reference to any subject whatever. He has no right to enter here in hostile array. These walls separate us. Beyond this, he has his veto to protect his rights against aggressions from us ; but within, our authority is above his interference or control.

Entertaining these views, I, for one, cannot agree to re-

ceive the Protest. But it is said that the Senate never has yet refused to receive a message from the President. In reply, I answer, it has never yet agreed to receive a Protest from him; and I, at least, shall not contribute by my vote to establish the first precedent of the kind. With these impressions, although I agree to the resolutions offered by the Senator from Mississippi (Mr. Poindexter), as modified, a sense of duty will compel me to go further, and to add, at the proper time, two additional resolutions; one affirming that the President has no right to protest against our proceedings, and the other refusing to receive this, his Protest.

I have now said all that I intend in reference to the question at issue between the Senate and the President; and will conclude by a few remarks addressed more directly to the Senate itself.

Of all the surprising events, said Mr. C., in these surprising times, none has astonished me more than that there should be any division of opinion, even the slightest, to the *right* of the Senate to pass the resolution which has been seized on as the pretext to send us this Protest. Before the commencement of the discussion, I would not have believed that there was a single individual in our country, the least conversant with parliamentary proceedings, who entertained any doubt of the right of any free and deliberative body fully and freely to discuss and express their opinions on all subjects relating to the public interests, whether in reference to men or measures, or whether in approbation or disapprobation. I venture the assertion that such a right has never been questioned before in this country; either here, or in the State legislatures, or in Great Britain, for the last century, by any party, whig or tory. Nor is my astonishment diminished by the distinction which has been attempted to be drawn between the expression of an opinion in reference to the conduct of public officers, intended to terminate in some legislative act, and those not so intended—a distinction with-

out example or precedent, and without principle or reason. Nor am I less surprised that it should be gravely asserted, as it has been in debate, that the resolution in question was not intended to terminate in some ulterior legislative measure. How this impression was made, or ventured to be expressed, I am at a loss to conceive ; as it was openly avowed, and fully understood, that we only waited for the proper moment to carry the resolution into effect, by giving it the form of a joint act of both Houses. Nor is the attempt to limit our legislative functions by our judicial, in reference to the resolutions, less extraordinary. I had supposed that our judicial were in addition to our legislative functions, and not in diminution ; and that we possess to the full extent, without limitation or subtraction, all the legislative powers possessed by the House of Representatives, with a single exception, as provided in the constitution. Were it possible to raise a rational doubt on the subject, the example of the English parliament would clearly prove that our judicial functions impose no restrictions on our legislative. It is well known that the House of Lords, like the Senate, possesses the power of trying impeachments—and I venture to assert, that, in the long course of time in which it has exercised this power, not a single case can be pointed out in which it was supposed that its judicial functions were diminished in any degree by its legislative ;—and when we consider that this portion of our constitution is borrowed from the British, their example must be considered decisive as to the point under consideration.

But let us reflect a moment to what extent we must necessarily be carried, if we once admit the principle. If the Senate has no right, in consequence of its judicial functions, to express an opinion, by vote or resolution, in reference to the legality or illegality of the acts of public functionaries, Senators can have no right to express such opinion individually in debate ; as the objection, if it exists

at all, goes to the expression of an opinion by individuals as well as by the body. He who has made up an opinion, and avowed it in debate, would be as much disqualified to perform his judicial functions as a judge on a trial of impeachment, as if he had expressed it by a vote; and, of course, whatever restrictions the judicial functions of the Senate may be supposed to impose, would be restrictions on the liberty of discussion, as well as that of voting; and consequently destroy the freedom of debate secured to us by the constitution.

I am, indeed, said Mr. Calhoun, amazed that so great a misconception of the essential powers of a deliberative body should be formed, as to deny to a legislative assembly the right to express its opinions on all subjects of a public nature freely, fully, and without restriction or limitation. It inherently belongs to the law-making power—the power to make, repeal, and to modify the laws—to deliberate upon the state of the Union—to ascertain its actual condition—the causes of existing disorders—to determine whether they originated in the laws, or in their execution, and to devise the proper remedy. What sort of a legislative body would it be, that had no right to pronounce an opinion whether a law was or was not in conformity to the constitution, and whether it had or had not been violated by those appointed to administer the laws? What could be imagined more absurd? And yet, if the principle contended for be correct, such would be the character of the Senate. We would have no right to pronounce a law unconstitutional, or to assert that it had been violated, lest it should disqualify us from performing our judicial functions.

There seems to be, said Mr. C., a great misconception in reference to the real motive and character of the legislative and executive functions. The former is, in its nature, deliberative, and involves, necessarily, free discussion, and a full expression of opinion on all subjects of public interest. The

latter is essentially the power of executing, and has no power of deliberation beyond ascertaining the meaning of the law, and carrying its enactments into execution ; and even within this limited sphere, its constructions of its powers are formed under responsibility not only to public opinion, but also to the legislative department of the Government.

But wherever the Executive is vested with any portion of legislative functions, so essentially do those functions involve the right of deliberation, and a full and free expression of opinion, that they transfer with them, to the Executive, the right of freely expressing his opinions on all subjects connected with such functions. Thus the President of the United States,—who is vested by the constitution with the right of communicating to Congress information on the state of the Union ; of recommending to its consideration such measures as, in his opinion, the public interests may require ; to approve of its acts ; and to ratify treaties which have received the consent of the Senate,—has, in the performance of all these high legislative functions, a right to express his opinion as to the nature, and character, and constitutionality of all the measures, the consideration of which may be involved in the performance of these duties—a right which the present chief magistrate has, on all occasions, freely exercised, as we have witnessed this session, both in his annual message, and the one announcing his veto on the land bill. In the former he pronounced the United States Bank to be unconstitutional, and has, of course, according to his own principle, impeached the conduct of Washington and Madison (the former of whom signed the charter of the first bank, and the latter of the present), and all of the members of both Houses of Congress who voted for the act incorporating them.

I am mortified, said Mr. Calhoun, that in this country, boasting of its Anglo-Saxon descent, any one of respectable standing, much less the President of the United

States, should be found to entertain principles leading to such monstrous results; and I can scarcely believe myself to be breathing the air of our country, and to be within the walls of the Senate chamber, when I hear such doctrines vindicated. It is proof of the wonderful degeneracy of the times—of a total loss of the true conceptions of constitutional liberty. But, in the midst of this degeneracy, I perceive the symptoms of regeneration. It is not my wish to touch on the party designations that have recently obtained, and which have been introduced in the debate on this occasion. I, however, cannot but remark, that the revival of the party names of the Revolution, after they had so long slumbered, is not without a meaning, nor without an indication of a return to those principles which lie at the foundation of our liberty.

Gentlemen ought to reflect that the extensive and sudden revival of these names could not be without some adequate cause. Names are not to be taken or given at pleasure; there must be something to cause their application to adhere. If I remember rightly, it was Augustus, in all the plenitude of his power, who said that he found it impossible to introduce a new word. What, then, is that something? What is there in the meaning of Whig and Tory, and what in the character of the times, which has caused their sudden revival as party designations, at this time? I take it, that the very essence of toryism—that which constitutes a tory, is to sustain prerogative against privilege—to support the executive against the legislative department of the Government, and to lean to the side of power against the side of liberty; while whig is, in all these particulars, of the very opposite principles. These are the leading characteristics of the respective parties, whig and tory, and run through their application in all the variety of circumstances in which they have been applied either in this country or Great Britain. Their sudden revival and application at this time ought to

admonish my old friends who are now on the side of the administration, that there is something in the times—something in the existing struggle between the parties, and in the principles and doctrines advocated by those in power, which has caused so sudden a revival, and such extensive application of the terms. I have not contributed to their introduction, nor am I desirous of seeing them applied; but I must say to those who are interested, that nothing but the reversal of their course can possibly prevent their application. They owe it to themselves—they owe it to the chief magistrate whom they support (who, at least, is venerable for his years) as the head of their party, that they should halt in their support of the despotic and slavish doctrines which we hear daily advanced, before a return of the reviving spirit of liberty shall overwhelm them, with those who are leading them, to their ruin.

I can speak, said Mr. Calhoun, with impartiality. As far as I am concerned, I wish no change of party designations—I am content with that which designates those with whom I act. It is, I admit, not very popular, but is at least an honest and patriotic name. It is synonymous with resistance to usurpation—usurpation, come from what quarter and under what shape it may; whether it be of this Government on the rights of the States, or of the Executive on those of the legislative department.

SPEECH

On the Bill to Repeal the Four Years' Law, and to Regulate the Power of Removal, delivered in the Senate, February th, 1835.

Mr. Calhoun said: The question involved in the third section of the bill, whether the power to dismiss an officer of the Government can be controlled and regulated by Congress, or is under the exclusive and unlimited control of the President, is no ordinary question, which may be decided either way, without materially affecting the character and practical operation of the Government. It is, on the contrary, a great and fundamental question, on the decision of which will materially depend the fact, whether this Government shall prove to be what those who framed it supposed it was—a free, popular, and republican Government, or a monarchy in disguise.

This important question, said Mr. C., has been very fully and ably discussed by those who have preceded me on the side I intend to advocate. It is not my intention to repeat their arguments, nor to enforce them by additional illustrations. I propose to confine myself to a single point of view; but that point I hold to be decisive of the question.

If the power to dismiss is possessed by the Executive, he must hold it in one of two modes: either by an express grant of the power in the constitution, or as a power necessary and proper to execute some power expressly granted by that instrument. All the powers under the constitution may be classed under one or the other of these heads; there is no intermediate class. The first question then is, Has the President the power in question by any express grant in the constitution? He who affirms he has, is bound to show it.

That instrument is in the hands of every member; the portion containing the delegation of power to the President is short. It is comprised in a few sentences. I ask Senators to open the constitution, to examine it, and to find, if they can, any authority given to the President to dismiss a public officer. None such can be found; the constitution has been carefully examined, and no one pretends to have found such a grant. Well, then, as there is none such, if it exists at all, it must exist as a power necessary and proper to execute some granted power; but if it exists in that character, it belongs to Congress, and not to the Executive. I venture not this assertion hastily; I speak on the authority of the constitution itself—an express and unequivocal authority which cannot be denied nor contradicted. Hear what that sacred instrument says: "Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers (those granted to Congress itself), and all other powers vested by this constitution in the Government of the United States, or in any department or officer thereof." Mark the fulness of the expression. Congress shall have power to make all laws, not only to carry into effect the powers expressly delegated to itself, but those delegated to the Government, or any department or officer thereof; comprehending, of course, the power to pass laws necessary and proper to carry into effect the powers expressly granted to the executive department. It follows that, to whatever express grant of power to the Executive the power of dismissal may be supposed to attach; whether to that of seeing the laws faithfully executed, or to the still more comprehensive grant, as contended for by some, vesting executive powers in the President, the mere fact that it is a power appurtenant to another power, and necessary to carry it into effect, transfers it, by the provisions of the constitution cited, from the Executive to Congress, and places it under its control, to be regulated in the manner which it may judge best.

If there be truth in reasoning on political subjects, the conclusion at which I have arrived cannot be resisted. I would entreat gentlemen who are opposed to me, said Mr. C., to pause and reflect; and to point out, if possible, the slightest flaw in the argument, or to find a peg on which to hang a doubt. Can they deny that all powers under the constitution are either powers specifically granted, or powers necessary and proper to carry such into execution? Can it be said that there are inherent powers comprehended in neither of these classes, and existing by a sort of divine right in the Government? The Senator from New-York (Mr. Wright) attempted to establish some such position; but the moment my colleague touched it with the spear of truth, he, Mr. W., shrunk from the deformity of his own conception. Or can it be asserted that there are powers derived from obligations higher than the constitution itself? The very intimation of such a source of power hurled from office the predecessor of the present incumbent. But if it cannot be denied that all the powers under the constitution are comprised under one or the other of these classes, and if it is acknowledged, as it is on all sides, that the power of dismissal is not specifically granted by the constitution, it follows by an irresistible and necessary consequence, that the power belongs not to the Executive, but to Congress, to be regulated and controlled at its pleasure.

I should be gratified, said Mr. C., if any one who entertains an opposite opinion would attempt to refute this argument, and to point out wherein it is defective; for such perfect confidence do I feel in its soundness, that I will yield the floor to any Senator who may rise and say that he is prepared to refute it.

[Here Mr. Talmadge, from New-York, rose, and said that he was not satisfied with the argument, and would attempt to show its error. Mr. C. sat down for the purpose of giving him an opportunity, when

Mr. T. began a formal speech on the subject generally, without attempting to meet Mr. C.'s argument, when the latter arose and said, that Mr. T. had mistaken him; that he did not yield the floor for the purpose of enabling Mr. T. to make a speech, but to enable him to refute the argument which Mr. C. had advanced; and that if Mr. T. was not prepared to do so, he, Mr. C., would proceed in the discussion.]

Mr. C. proceeded, and said: The argument on which I have relied, has been alluded to by the Senator from Tennessee (Judge White), and my friend from Kentucky, who sits before me (Judge Bibb);—and the Senator from Tennessee (Mr. Grundy), whom I am sorry not to see in his place, attempted a reply. He objected to the argument, on the ground that the construction put upon the clause which has been quoted, would divest the President of a power expressly granted him by the constitution. I must, said Mr. C., express my amazement, that one so clear-sighted, and so capable of appreciating the just force of an argument, should give such an answer. Were the power of dismissal a granted power, the argument would be sound; but as it is not, to contend that the construction would divest him of the power, is an assumption, without the slightest foundation to sustain it. It is his construction, in fact, which divests Congress of an expressly granted power, and not ours which divests the President: by his, he would take from Congress the authority expressly granted, of passing all laws necessary and proper to carry into effect the granted powers, under the pretext that the exercise of such a power on the part of Congress would divest the Executive of a power nowhere granted in the constitution.

I feel, said Mr. C., that I must appear to repeat unnecessarily, what of itself is so clear and simple as to require no illustration; but I know the obstinacy of party feelings and preconceived opinions, and with what difficulty they yield to

the clearest demonstration. Nothing can overthrow them but repeated blows.

Such, said Mr. C., are the arguments by which I have been forced to conclude, that the power of dismissing is not lodged in the President, but is subject to be controlled and regulated by Congress. I say forced, because I have been compelled to the conclusion in spite of my previous impressions. Relying upon the early decision of the question, and the long acquiescence in that decision, I had concluded, without examination, that it had not been disturbed, because it rested upon principles too clear and strong to admit of doubt. I remained passively under this impression, until it became necessary, during the last session, to examine the question—when I took up the discussion on it in 1789, with the expectation of having my previous impression confirmed. The result was different. I was struck, on reading the debate, with the force of the arguments of those who contended that the power was not vested by the constitution in the Executive. To me they appeared to be far more statesman-like than the opposite arguments, and to partake much more of the spirit of the constitution. After reading this debate, I turned to the constitution, which I read with care in reference to the subject discussed, when, for the first time, I was struck with the full force of the clause which I have quoted, and which, in my opinion, for ever settles the controversy.

I will now, said Mr. C., proceed to consider what will be the effect on the operation of the system under the construction which I have given. In the first place, it would put down all discretionary power, and convert the Government into what the framers intended it should be—a government of laws and not of discretion. If the construction be established, no officer from the President to the constable, and from the Chief Justice to the lowest judicial officer, could exercise any power but what is expressly granted by the constitution or by some act of Congress: and thus that,

which in a free state is the most odious and dangerous of all things—the discretionary power of those who are charged with the execution of the laws—will be effectually suppressed, and the dominion of the laws be fully established.

It would, in the next place, unite, harmonize, and blend into one whole all the powers of the Government, and prevent that perpetual and dangerous conflict which would necessarily exist between its departments, under the opposite construction. Permit each department to judge of the extent of its own powers, and to assume the right to exercise all powers which it may deem necessary and proper to execute the powers granted to it, and who does not see that, in fact the Government would consist of three independent, separate, and conflicting departments, without any common point of union—instead of one united authority controlling the whole? Nor would it be difficult to foresee in what this contest between conflicting departments would terminate. The Executive must prevail over the other departments; for without its concurrence the action of the other departments are impotent. Neither the decrees of the Court nor the acts of Congress can be executed but through the executive authority; and if the President be permitted to assume whatever power he may deem to be appurtenant to his granted powers, and to decide according to his will and pleasure, and on his own responsibility, whether the decision of the Court or the acts of Congress are or are not consistent with the rights which he may arrogate to himself, it is impossible not to see that the authority of the legislative and judicial departments would be under his control. Nor is it difficult to foresee that if he may add the power of dismissal to that of appointment, and thus assert unlimited control over all who hold office, he would find but little difficulty in maintaining himself in the most extravagant assumptions of power. We are not without experience on this subject. To what but to the false and dangerous doctrine against which I am contending, and into

which the present Chief Magistrate has fallen, are we to attribute the frequent conflicts between the Executive and the other departments of the Government; and which so strongly illustrate the truth of what I have stated? Under the opposite and true view of our system, all these dangerous jars and conflicts would cease. It unites the whole into one, and the legislative becomes, as it ought to be, the centre of the system,—the stomach, and the brain,—into which all is taken, digested, and assimilated, and by which the action of the whole is regulated by a common intelligence; and this without destroying the distinct and independent functions of the parts. Each is left in possession of the powers expressly granted by the constitution, and which may be executed without the aid of the legislative department, and, in the exercise of which, there is no possibility of coming into conflict with the other departments; while all discretionary powers necessary to execute the granted, and in the exercise of which the separate departments would necessarily come into conflict, are by a wise and beautiful provision of the constitution transferred to Congress, to be exercised solely according to its discretion;—thus avoiding, as far as the departments of the Government are concerned, the possibility of collision betwen the parts. By a provision no less wise, this union of power in Congress is so regulated as to prevent the legislative from absorbing the other departments of the Government. To guard the Executive against the encroachments of Congress, the President is raised from his mere ministerial functions to a participation in the enactment of laws. By a provision in the constitution, his approval is required to the acts of Congress; and his veto, given him as a shield to protect him against the encroachments of the legislative department, can arrest the acts of Congress, unless passed by two-thirds of both Houses. And here let me say, that I cannot concur in the resolution offered by my friend from Maryland (Mr. Kent), which proposes to divest the Ex-

ecutive of his veto. I hold it to be indispensable; mainly on the ground that the constitution has vested in Congress the high discretionary power under consideration, which, but for the veto, however necessary for the harmony and unity of the Government, might prove destructive to the independence of the President. He must indeed be a most feeble and incompetent Chief Magistrate if, aided by the veto, he would not have sufficient influence to protect his necessary powers against the encroachments of Congress. Nor is the judiciary left without ample protection against the encroachment of Congress. The independent tenure by which the judges hold their office, and the right of the Court to pronounce when a case comes before them upon the constitutionality of the acts of Congress, as far at least as the other departments are concerned, affords to the judiciary an ample protection. Thus all the departments are united in one, so as to constitute a single government, instead of three distinct, separate, and conflicting departments, without impairing their separate and distinct functions, while at the same time the peace and harmony of the whole are preserved.

There remains, said Mr. C., to be noticed another consequence not less important. The construction for which I contend strikes at the root of that dangerous control which the President would have over all who hold office, if the power of appointment and removal without limitation or restriction were united in him. Let us not be deceived by names. The power in question is too great for the Chief Magistrate of a free state. It is in its nature an imperial power, and if he be permitted to exercise it, his authority must become as absolute as that of the autocrat of all the Russias. To give him the power to dismiss at his will and pleasure, without limitation or control, is to give him an absolute and unlimited control over the subsistence of almost all who hold office under Government. Let him have the power, and the sixty thousand who now hold employments under Government would

become dependent upon him for the means of existence. Of that vast multitude, I may venture to assert that there are very few whose subsistence does not, more or less, depend upon their public employments. Who does not see that a power so unlimited and despotic over this great and powerful corps must tend to corrupt and debase those who compose it, and to convert them into the supple and willing instruments of him who wields it? And here let me remark, said Mr. C., that I have been unfairly represented in reference to this point. I have been charged with asserting that the whole body of office-holders is corrupt, debased, and subservient: with what views, those who make the charge can best explain. I have made no such assertion, nor could it with truth be made. I know that there are many virtuous and high-minded citizens who hold public office; but it is not, therefore, the less true that the tendency of the power of dismissal is such as I have attributed to it; and that if the power be left unqualified, and the practice be continued as it has of late, the result must be the complete corruption and debasement of those in public employment. What, Mr. C. asked, has been the powerful cause that has wrought the wonderful changes which history teaches us have occurred at different periods in the character of nations? What has bowed down that high, generous, and chivalrous feeling—that independent and proud spirit which characterized all free states in rising from the barbarous to the civilized condition, and which finally converted their citizens into base sycophants and flatterers? Under the operation of what cause did the proud and stubborn conquerors of the world, the haughty Romans, sink down to that low and servile debasement which followed the decay of the republic? What but the mighty cause which I am considering; the power which one man exercised over the fortunes and subsistence, the honor and the standing of all those in office, or who aspire to public employment? Man is naturally proud and independent;

and if he loses these noble qualities in the progress of civilization, it is because, by the concentration of power, he who controls the government becomes deified in the eyes of those who live or expect to live by its bounty. Instead of resting their hopes on a kind Providence and their own honest exertions, all who aspire are taught to believe that the most certain road to honor and fortune is servility and flattery. We already experience its corroding operation. With the growth of executive patronage and the control which the Executive has established over those in office by the exercise of this tremendous power, we witness among ourselves the progress of this base and servile spirit, which already presents so striking a contrast between the former and present character of our people.

It is in vain to attempt to deny the charge. I have marked its progress in a thousand instances within the last few years. I have seen the spirit of independent men, holding public office, sink under the dread of this fearful power; too honest and too firm to become the instruments or flatterers of power, yet too prudent, with all the consequences before them, to whisper disapprobation of what, in their hearts, they condemned. Let the present state of things continue—let it be understood that none are to acquire the public honors or to obtain them but by flattery and base compliance, and in a few generations the American character will become utterly corrupt and debased.

Now is the time to arrest this fatal tendency. Much will depend upon the vote on the measure which is now before you. Should it receive the sanction of this body and the other branch of the legislature, and the principle be once established that the power of dismissal is subject to be regulated by the action of Congress, and is not, as is contended, under the sole control of the Executive, the danger which now menaces the destruction of our system may yet be arrested. The discretionary and despotic power which the President

has assumed to exercise over all in public employment would be subject to the control of law; and public officers instead of considering themselves as the mere agents of the executive department, and liable to be dismissed at his will and pleasure without regard to conduct, would be placed under the protection of the law.

But it is objected by the Senator from Tennessee (Mr. Grundy), that the construction for which I contend, would destroy the power of the President, and arrest the action of the Government. I must be permitted to express my surprise, said Mr. C., that such an objection should come from that experienced and sagacious Senator. He seems entirely to forget that the President not only possesses executive powers, but also legislative; and that he is not only a Chief Magistrate, but also a part of the law-making power. Does he not recollect that the President has his veto; and that no law can be passed which would improperly diminish the authority which ought to belong to him as Chief Magistrate without his consent, unless passed against his veto by two-thirds of both Houses?—an event which it is believed has not occurred since the commencement of the Government, and the occurrence of which is highly improbable. How then can it be asserted, that the construction for which I contend would destroy the just authority of the President? Let it be established, and what would follow? Every proposition to regulate and control the power of dismissal would become a question of expediency, and would be liable to be assailed by all who might suppose that it would impair improperly the power of the Chief Magistrate. And seconded as they would be by the veto, if necessary, there could be but little danger that restrictions too rigid would be imposed on his authority. The Senator from Tennessee also objects that the measure would be impracticable, and asks with an air of triumph, what would the Senate do if the reasons of the President should be unsatisfactory? I do not, said Mr. C.,

agree with those who think that the Senate can or ought to continue to reject the nominations of the President in such cases, until the officer who has been dismissed shall be restored. I believe that course to be impracticable; and that, in such a struggle, the resistance of the Senate would be finally overcome. My hope is, that the fact itself that the President must assign reasons for removals, will go far to check the abuses which now exist. I cannot think that any President would assign to the Senate as a reason for removal, that the officer removed was opposed to him on party grounds. Such is the deceptive character of the human heart, that it is reconciled to do many things under plausible covering which it would not openly avow. But suppose there should be a President who would act upon the principle of removing on a mere difference of opinion without any other fault in the officer, and who would be bold enough to avow such a reason, Congress would not be at a loss for a remedy, on the principles for which I contend. A law might be passed that would reach the case; it might be declared that the removal of the President, if his reasons should not prove satisfactory, should act merely as a suspension to the termination of the next ensuing session, unless filled by the advice and consent of the Senate.

The Senator from Tennessee has conjured up a state of frightful collision between the Executive and the dismissed officers, and has represented the Senate chamber as the arena where this conflict must be carried on. He says, if the President should be bound to assign his reasons, the party dismissed would of right have a claim to be heard as to the truth and correctness of those reasons, and that the Senate would have its whole time engrossed in listening to the trial. All this is mere imagination, if the President on his part should exercise the power of removal with the discretion and justice which he ought, and with which all the predecessors of the present Chief Magistrate have in fact exercised it. Does he suppose if a measure, such as is now before

the Senate, had been in operation at the commencement of the Government, that the Father of his country—a man no less distinguished by his moderation than his wisdom, would have experienced the least embarrassment from its operation? Does he suppose that the dismissal of nine officers in eight years during his presidency, would have given all that annoyance to him and to this body, which the Senator anticipates from the measure? Would there have been any difficulty in the time of the elder Adams, either to himself or to the Senate, from the ten officers whom he dismissed during his presidency? Would any have been experienced during Mr. Jefferson's term of eight years, even with the forty-two whom he dismissed? Or in the presidency of Mr. Madison, that mild and amiable man, who, in eight years of great excitement, of which nearly three was a period of war, dismissed but five officers? Or, during the presidency of Mr. Monroe, who in eight years dismissed but nine officers? Or of the younger Mr. Adams, who in four years dismissed but two officers? I come now, said Mr C., to the present administration; and here I concede, that with the dismissal of two hundred and thirty officers in the first year, and I know not how many since, the scene of trouble and difficulty both to the President and the Senate, which the Senator from Tennessee (Mr. Grundy) painted in such lively colors, might have occurred, had the measure been in operation. This, however, constitutes no objection to the measure, but to the abuse—the gross and dangerous abuse of the power of dismissal which it is intended to correct. It is a recommendation that it would impede aud embarrass the abuse of so dangerous a power. The more numerous and powerful the impediments to such abuses, the better. I apprehend, said Mr. C., that the Senator from Tennessee (Mr. Grundy) entirely misconceives the operation of the measure under a discreet and moderate administration. Under such an one, the charges exhibited against an officer would be transmitted to

the accused ; would undergo a regular investigation in the presence of the party, and the accused would be heard in his own defence before the charge would be acted on. If sustained, and the officer be discharged, the whole proceedings would accompany the nomination of the successor as showing the grounds on which he was dismissed.

During the time, said Mr. C., that I occupied the place of Secretary of War under Mr. Monroe, two officers of the Government holding civil employments connected with that department, were dismissed for improper conduct ; and in both cases the course which I have indicated was adopted. The officers were not dismissed until after a full investigation, and the reasons for dismission reduced to writing and communicated to them.

But the Senator from Tennessee (Mr. Grundy) further objects, that the construction for which we contend would concentrate all the powers of the Government in Congress, and would thus constitute the very essence of despotism, which consists, as he asserts, in uniting the powers of the three departments in one. I could, said Mr. C., hardly have anticipated, that one whose conceptions are so clear on most subjects would venture so bold an assertion. Has not the Senator reflected on the nature of the legislative department in our system ? To make a law, it is necessary not only to have the participation of the two Houses, but that also of the Executive ; except, indeed, in the case of a veto, when, as has been stated, the measure must be passed by two-thirds of both Houses. Does he not see from this, that to vest Congress, as the constitution has done, with all the discretionary power, is to vest the power not simply in the two Houses, but also in the President, and in fact to require the concurrence of both departments to the exercise of such high and dangerous powers, instead of leaving it to each separately, as would have been the fact without this wise provision ! I will tell the Senator, that it is the doctrine for

which he, and not that for which we contend, which leads to concentration—a doctrine which would leave to each department to assume whatever power it might choose, and which in its necessary effects, as has been shown, would concentrate all the powers of the Government in the Chief Magistrate. This process has been going on under our eyes rapidly for the last few years; and yet the gentleman who appears now to be so sensitive as to the danger of concentration, looks on with perfect indifference, not to say with approbation. We have, said Mr. C., lost all sensibility; we have become callous and hardened under the operation of those deleterious practices and principles which characterize the times. What a few years since would have shocked and roused the whole community, is now scarcely perceived or felt. Then the dismissal of a few inconsiderable officers, on party grounds as was supposed, was followed by a general burst of indignation; but now the dismissal of thousands, when it is openly avowed that the public offices are the "spoils of the victors," produces scarcely a sensation. It passes as an ordinary event. The present state of the country, said Mr. C., was then anticipated. It was foreseen, as far back as 1826, that the time would come when the income of the Government and the number of those in its employment would be doubled—and that the control of the President, with the power of dismissal, would become irresistible. All of which was urged as an inducement for reform at that early period; and as a reason why the administration then in power should be expelled, and those opposed to them should be elevated to their places. But now when this prophecy has been realized, we seem perfectly insensible of the danger to which the liberty and institutions of the country are exposed. Among the symptoms of the times, said Mr. C., which indicate a deep and growing decay, I would place among the most striking, the difference in the conduct of those who seek public employment before and after their elevation. In the language

of the indignant Roman, they solicit offices in one manner and use them in another. And this remark was not more true of that degenerated state of the noblest of all the republics of antiquity, than it is of ours at the present time. It is not only, said Mr. C., a symptom of decay, but it is also a powerful cause. When it comes to be once understood that politics is a game ; that those who are engaged in it but act a part ; that they make this or that profession, not from honest conviction or an intent to fulfil them, but as the means of deluding the people, and through that delusion to acquire power ;—when such professions are to be entirely forgotten—the people will lose all confidence in public men ; all will be regarded as mere jugglers—the honest and the patriotic as well as the cunning and the profligate ; and the people will become indifferent and passive to the grossest abuses of power, on the ground that those whom they may elevate under whatever pledges, instead of reforming, will but imitate the example of those whom they have expelled.

I, said Mr. C., rejoice, however, that there are many who are counted in the administration ranks, who have a proper regard for the professions of the party while canvassing for power. I see the commencement of a separation between those who are disposed to go all lengths, to abandon all former principles in the support of power, and those who are not disposed to advance beyond the point where they now stand. Let those who are disposed to sustain the power of the Executive, however extravagant, reflect on what has occurred during the present discussion, and the manly and independent sentiments which have been expressed in the ranks of the administration itself, and they will see cause to halt in their course. They have pushed things as far as they can be pushed with safety—to push them further must end in division and overthrow.

But the Senator from New-York (Mr. Wright) regards all this alarm on account of the vast increase of executive

power, as perfectly imaginary. He contends that the view drawn in the report of the committee, as to the extent of patronage, is greatly exaggerated; and for this purpose assails that part of the report which treats of the number of those in the employment of the Government and living on its bounty, as constituting one of the elements of Executive patronage. The Senator is possessed of clear perception and strong powers of discrimination, and I anticipated from the confident manner in which he expressed himself, that he had discovered some flaw or weakness in that portion of the report. He is not usually the man to make bold assertions without his proof; but I must say that, in this case, the Senator has disappointed me. What error or exaggeration has he discovered in the report? Has he shown the number stated to be greater than in reality it is? Has he shown that there is any error in the various heads under which they are classified? Or that there is a single class which does not contribute to swell the power and influence of the Executive? He has not even made an attempt to point out any error of the kind. He drew his number and classification from the report itself, and has not pretended to show that there has been any over estimate on the part of the committee attached to any one of the classes. But though the Senator has not succeeded in showing an over estimate, he has labored strenuously, though I must say unsuccessfully, to show that the patronage is far less than in reality it is. The Senator would, for instance, have us lay aside the pensioners, as adding little or nothing to the patronage of the Government! I had, said Mr. C., supposed that he was too good a judge of human nature, not to know that the mere fact of living on the bounty of Government, naturally disposes a man to take sides with power. If to this we add the fact, that the pensioner is liable to have his pension questioned, whether he is rightfully entitled to it or not, and that the decision of this question, so important to him, rests with

those in power; that there are thousands who are seeking pensions who must look in the same direction for the gratification of their wishes—to say nothing of the host of pension-agents in and out of Congress whose importance and influence with the people may depend upon their success in obtaining pensions—we may realize the vast addition which so large a pension-list as ours is calculated to give to the patronage of the Executive. I am informed, said Mr. C., that a single member, in one session, obtained upwards of three hundred and fifty pensions; and can the Senator doubt how much he was strengthened in his district by his success, when a majority of those whom he so successfully served were probably voters? Taking every thing into consideration, so far from considering the pensions as an inconsiderable source of influence and patronage, as the Senator would have us believe, I am of the impression that it is among the most fruitful sources of both; and that to the late extension of the number of pensioners, we may attribute the strength of the administration in some of the States of the Union. I have great respect for the Secretary of War and the Chief of the Pension Bureau, and I do not wish to be considered as making any personal imputations.

The Senator from New-York next tells us that the army contributes very little to the influence and patronage of the Executive; that it consists principally of soldiers, and those for the most part located on the frontiers, far removed from the scenes of political struggles. The Senator would seem to have very imperfect conceptions of the nature of the influence which an army brings to a government. Is he ignorant that it is to be fed, and clothed, and housed, and removed, at the expense of millions, wherever employed? and that all this heavy expenditure must bring a corresponding increase of power and influence? I, for my part, said Mr. C., consider an army among a spirited people, armed and accustomed to the use of arms as the Americans are, as far

more dangerous on account of the patronage which it brings to the Government, than on account of its physical force; and it is mainly under this impression, that I have ever been opposed to its increase beyond the point necessary to preserve proper military organization and skill.

The Senator, taking the same fallacious view, would put the navy out of the list, as contributing but little to the patronage of the Government. What I have said in reference to the army is equally applicable to the navy, and supersedes the necessity of saying more on the subject.

But the final objection of the Senator implies that the power and patronage of the Government would be great, as far as the number of officers who are employed may contribute to it, if they were all custom-house officers, and some other classes of officers, which he estimates at some three or four thousand, and which he admits are calculated to exercise some influence. I acknowledge, said Mr. Calhoun, they are not so powerful as they would be if they consisted of the classes referred to by the Senator; but let me tell him, that if we had a corps of one hundred thousand such, the friends of liberty might surrender in despair—our cause would be hopeless! The people could not resist them for six months.

I have now, said Mr. C., concluded what I intended to say on the question involved in the third section of the bill, and will next proceed to notice some objections to the other portions. The Senator from Tennessee (Mr. Grundy) objects to the first section, which proposes to repeal the Four Years' Law, on the ground that it would diminish the power of the Senate, and increase that of the President. If such was the fact, the last quarter from which I should expect such an objection would be that from which it comes. But the Senator may dismiss his fears. There is not the slightest ground for the apprehension which he professes. It is true that, without that law, the Senate would not have the opportunity of passing on the conduct of the officers who

may be renominated under it ; but let me bring the Senator to reflect how little influence that fact gives to the Senate, compared to the influence which the President acquires by the law over all those who must depend on him under its provisions, for a renomination. Let him reflect how few of those renominated are rejected by the Senate, compared to those whom the President has refused to nominate ; and how little influence the Senate acquires, or the President loses, by the rejection of the former. Should the Senate reject on party grounds, it has no power to fill the place of the person rejected—that depends upon the President. What, then, is the fact ? The Senate makes an enemy without acquiring a friend, while the President is sure to acquire two friends without making an enemy—the rejected and the one who fills his place. If to this we add, that the present President has made it an invariable practice to reward, in some shape or other, every man rejected by the Senate, however good the cause for rejection, it must be obvious that the apprehension of the Senator from Tennessee, that the repeal of the Four Years' Law would weaken the Senate and strengthen the Executive, is without foundation. He may dismiss all anxiety on that head.

But it is further objected that the repeal of the Four Years' Law would destroy the principle of rotation in office, which the Senator from Maine (Mr. Shepley), and some others on the same side, represent as the very basis of republican institutions. We often, said Mr. C., confound things that are entirely dissimilar, by not making the proper distinction. I will not undertake to inquire now whether the principle of rotation, as applied to the ordinary ministerial officers of a government, may not be favorable to popular and free institutions, when such officers are chosen by the people themselves. It certainly would have a tendency to cause those who desire office, when the choice is in the people, to seek their favor ; but certain it is, that in a Government

where the Chief Magistrate has the filling of vacancies instead of the people, there will be an opposite tendency—to court the favor of him who has the disposal of offices—and this for the very reason that when the choice is in the people their favor is courted. If the latter has a popular tendency, it is no less certain that the former must have a contrary one. I, for my part, must say, that, according to my conception, the true principle is, to render those who are charged with mere ministerial offices secure in their places, so long as they continue to discharge their duty with ability and integrity; and I would no more permit the Chief Magistrate of a country to displace them without cause, on party grounds, than I would permit him to divest them of their freeholds: the power to divest them of the one is calculated to make them as servile and dependent as the power to divest them of the other.

I have now, said Mr. C., concluded what I intended to say. I have omitted several subjects which I was desirous of discussing connected with the highly important question which has so deeply occupied the attention of the Senate; but the session is so near a close that I feel the necessity of brevity, and will therefore forego what I would otherwise say.

SPEECH

On the Bill reported by the Select Committee on Executive Patronage, delivered in the Senate, February 13th, 1835.

Mr. Calhoun said: This is not the first time that the measure now under consideration has been before the Senate. It was introduced eight years ago, on the report of a select

committee raised on Executive Patronage, as one of the measures then thought necessary to curtail what, at that time, was thought to be the excessive patronage of the Executive. The party then in opposition, and now in power, then pledged themselves to the community that, should they be elevated to power, they would administer the Government on the principles laid down in the report. Mr. C. said, that it was now high time to inquire how this solemn pledge, which, in his opinion, imposed a sacred obligation, has been redeemed? Has the plighted faith been kept which the committee gave in the name of the party? Before I undertake to answer this question, it may be proper to inquire—Who constituted that committee, and what is the position they now occupy? The chairman was Mr. Benton, now a member of the Senate and of the present committee. The name of Mr. Macon, then a Senator from North Carolina, so well known to the country, stands next; Mr. Van Buren, now Vice-President; Mr. Dickerson, now Secretary of the Treasury; Mr. Johnson, now a member of the House from Kentucky; Mr. White, then, as now, Senator from Tennessee; Mr. Holmes of Maine; Mr. Hayne of South Carolina; Mr. Findlay of Pennsylvania; all, at the time, distinguished members of this body.

Such was the committee, which, then and now, stands so high in the confidence of the party now in power. Hear what their report says upon the subject of Executive Patronage.

[Here an extract from the Report was read as follows:]

"To be able to show to the Senate a full and perfect view of the power and workings of Federal patronage, the committee addressed a note, immediately after they were charged with this inquiry, to each of the departments, and to the Postmaster-General, requesting to be informed of the whole number of persons employed, and the whole amount of money paid out, under the direction of their respective departments? The answers received are herewith submitted, and made part of this report.

With the 'Blue Book,' they will discover enough to show that the predictions of those who were not blind to the defects of the constitution, are ready to be realized; that the power and influence of *Federal* patronage, contrary to the argument in the 'Federalist,' is an overmatch for the power and influence of *State* patronage; that its workings will contaminate the purity of all elections, and enable the Federal Government, eventually, to govern throughout the States, as effectually as if they were so many provinces of one vast empire.

"The whole of this great power will centre in the President. The King of England is the 'fountain of honor;' the President of the United States is the source of patronage. He presides over the entire system of Federal appointments, jobs, and contracts. He has 'power' over the 'support' of the individuals who administer the system. He makes and unmakes them. He chooses from the circle of his friends and supporters, and *may* dismiss them; and, upon all the principles of human actions, *will* dismiss them, as often as they disappoint his expectations. His spirit will animate their actions in all the elections to *State* and *Federal* offices. There may be exceptions; but the truth of a general rule is proved by the exception. The intended check and control of the Senate, without new constitutional or statutory provisions, will cease to operate. Patronage will penetrate this body, subdue its capacity of resistance, chain it to the car of power, and enable the President to rule as easily, and much more securely with, than without the nominal check of the Senate. If the President was himself the officer of the people, elected by them, and responsible to them, there would be *less* danger from this concentration of all power in his hands; but it is the business of statesmen to act upon things as they are, not as they would wish them to be. We must then look forward to the time when the public revenue will be doubled; when the civil and military officers of the Federal Government will be quadrupled; when its influence over individuals will be multiplied to an indefinite extent; when the nomination by the President can carry *any man* through the Senate, and his recommendation can carry any *measure* through the two Houses of Congress; when the principle of public action will be open and avowed; *the President wants my vote, and I want his patronage; I will vote as he wishes, and he will give me the office I wish for.* What will this be, but the government of *one* man? and what is the government of *one* man, but a monarchy? Names are nothing. The nature of a thing is in its substance, and the name soon accommodates itself to the substance. The first Roman Emperor was styled Emperor of the *Republic*, and the last French Emperor took the same title; and their respective countries were just as essentially *monarchical* before, as after the assumption of these titles. It cannot be

denied or dissembled but that the Federal Government gravitates to the same point, and that the election of the Executive by the Legislature quickens the impulsion.

"Those who make the President must support him. Their political fate becomes identified, and they must stand or fall together. Right or wrong, they must support him; and if he is made contrary to the will of the people, he must be supported not only by votes and speeches, but by arms. A violent and forced state of things will ensue; individual combats will take place; and the combats of individuals will be the forerunner to general engagements. The array of man against man will be the prelude to the array of army against army, and of State against State. Such is the law of nature; and it is equally in vain for one set of men to claim an exemption from its operation, as it would be for any other set to suppose that, under the same circumstances, they would not act in the same manner. The natural remedy for all these evils, would be to place the election of President in the hands of the people of the United States. He would then have a power to support him, which would be as able, as willing to aid him when he was himself supporting the interests of the country, as they would be to put him down when he should neglect or oppose those interests. Your committee, looking at the present mode of electing the President as the principal source of all this evil, have commenced their labors at the beginning of this session, by recommending an amendment to the constitution in that essential and vital particular; but in this, as in many other things, they find the greatest difficulty to be in the first step. The committee recommend the amendment, but the people cannot act upon it until Congress shall 'propose' it, and peradventure Congress will not 'propose' it to them at all.

"It is no longer true that the President, in dealing out offices to Members of Congress, will be limited, as supposed in the Federalist, to the inconsiderable number of places which may become vacant by the ordinary casualties of deaths and resignations; on the contrary, he may now draw, for that purpose, upon the entire fund of the Executive patronage. Construction and legislation have accomplished this change. In the very first year of the constitution, a construction was put upon that instrument which enabled the President to create as many vacancies as he pleased, and at any moment that he thought proper. This was effected by yielding to him the kingly prerogative of dismissing officers without the formality of a trial. The authors of the Federalist had not foreseen this construction; so far from it, they had asserted the contrary, and, arguing logically from the premises, '*that the dismissing power was appurtenant to the appointing power*," they had maintained, in No. 77 of that standard work, that, as the consent of the Senate was necessary to the

appointment of an officer, so the consent of the same body would be equally necessary to his dismission from office. But this construction was overruled by the first Congress which was formed under the constitution; the power of dismission from office was abandoned to the President alone, and, with the acquisition of this prerogative alone, the power and patronage of the Presidential office was instantly increased to an indefinite extent, and the argument of the Federalist against the capacity of the President, to corrupt the Members of Congress, founded upon the small number of places which he could use for that purpose, was totally overthrown. So much for construction. Now for the effects of legislation; and without going into an enumeration of statutes which unnecessarily increase the Executive patronage, the Four Years' Appointment Law will alone be mentioned; for this single act, by vacating almost the entire civil list, once in every period of a presidential term of service, places more offices at the command of the President than were known to the constitution at the time of its adoption, and is, of itself amply sufficient to overthrow the whole of the argument which was used in the Federalist."

It is impossible, said Mr. C., to read this report, which denounces in such unqualified terms the excess and the abuses of patronage at that time, without being struck with the deplorable change which a few short years have wrought in the character of our country. Then we were sensitive in all that related to our liberty; and jealous of patronage and governmental influence: so much so, that a few inconsiderable removals, three or four printers, roused the indignation of the whole country—events which would now pass unnoticed. We have grown insensible, become callous and stupid.

But let us turn to the question which I have asked. How has the plighted faith of the party been fulfilled? Have the abuses then denounced been corrected? Has the Four Years' Law been repealed? Has the election of the President been given to the people? Has the exercise of the dismissing power by the President, which was then pronounced to be a dangerous violation of the constitution, been restored to Congress? All these pledges have been forgotten. Not one has been fulfilled. And what justification, I ask, is offered for so gross a violation of faith? None is even attempted—

the delinquency is acknowledged ; and the only effort which the Senator from Missouri has made to defend his own conduct, and that of the administration, in adopting the practice which he then denounced, is on the plea of retaliation. He says that he has been fourteen years a member of the Senate ; and that, during the first seven, no friend of his had received the favor of the Government ; and contends that it became necessary to dismiss those in office, to make room for others who had been, for so long a time, beyond the circle of Executive favor. What, Mr. C. asked, is the principle, when correctly understood, on which this defence rests ? It assumes that retaliation is a principle in its nature so sacred, that it justifies the violation of the constitution, the breach of plighted faith, and the subversion of principles, the observance of which had been declared to be essential to the liberty of the country. The avowal of such a principle may be justified at this time by interested partisans ; but the time must arrive, when a more impartial tribunal will regard it in a far different light, and pronounce that sentence which violated faith and broken pledges deserve. Mr. C. said, the bill now before the Senate affords an opportunity to the dominant party to redeem its pledges, as late as it is, and to avert, at least in part, that just denunciation which an impartial posterity will otherwise most certainly pronounce on them. He hoped that they would embrace the opportunity, and thereby prove that, in expelling the former administration they were not merely acting a part, and that the solemn pledges and promises then given were not electioneering tricks, devoid of sincerity and truth. I consider it, said Mr. C., as an evidence of that deep degeneracy, which precedes the downfall of a republic, when those elevated to power, forget the promises on which they were elevated ; the certain effect of which is to make an impression on the public mind, that all is juggling and tricky in politics—and to create an

indifference to political struggles, highly favorable to the growth of despotic power.

[Mr. Benton here rose and made some remarks in defence of himself and the administration; after which]—

Mr. Calhoun proceeded to show, that the prerogative of turning out of office, committed, without limitation to the President, is a means of increasing at once the Executive power to a dangerous and ruinous extent; rendering him the head of a party, not founded on principles, but resting on the worst of all bases, that of personal interest and fear.

Having shown that the present administration rose to power by the hopes excited, and professions held out against the very abuses which now had grown to so alarming an excess, Mr. Calhoun deplored, in energetic terms, the falsification of those hopes; urging the fatal effects which are produced, when the solemn promises and plighted faith of men are broken, and when the people are led to believe that political truth is extinguished, and the most solemn engagements are merely made as stepping stones to power, and as instruments of electioneering.

[Mr. Benton here again rose, and in his usual strain of rude and vulgar insolence, interrupted the debate. He was called to order by Mr. Poindexter of Mississippi, and after some time spent in discussing the point, Mr. Calhoun rose and said:]

I rise to express my surprise at the course pursued by the member from Missouri (Col. Benton) who has just taken his seat. He is a member of the committee, and regularly attended its meetings. While the report was before the committee for consideration, he sat in silence, without whispering the objections now urged with so much violence, and in language so unwarranted. I had not intended to go into the report while the present bill was under consideration. It met the approbation of the whole committee, including

that of the Senator from Missouri, and I had a right to expect, at least as far as he was concerned, that it would pass without opposition. Under this impression I had proposed to myself to delay the discussion on the merits of the report, till the resolution to amend the constitution, from which the member dissented, came under consideration ; when an opportunity would be afforded to repel his broad and unfounded assertions and fallacious conclusions, and to establish the correctness of the report on all the points on which it had been assailed ; but the course pursued by the Senator compels me to repel his assertions without further delay.

When the subject of printing the report was under consideration a few days since, he asserted, in the boldest manner, that the estimate of the committee in relation to the surplus revenue was so wild, that wild was a term too moderate ; and that none less strong than "hallucination" could be applied. I then repelled his objections in a manner which I trust was satisfactory to every one capable of estimating the force of just reasoning ; but in order that there might not be a shadow of doubt on a point of so much importance, I have since re-examined the subject, and now pronounce, without the fear of contradiction, that on the Senator's own premises, the estimate of the surplus, as reported by the committee, is correct—notwithstanding the outrageous extravagance of his assertions. The Senator did not venture any argument of his own to rebut the conclusion of the committee ; but, with that deference to power which is one of the characteristics of those with whom he is politically associated, he relied solely upon the statement of the Secretary of the Treasury, furnished in his annual report. Now, said Mr. C., it is remarkable that the estimates of the Secretary of the income of the current year, instead of supporting the unwarranted assertions of the Senator from Missouri, coincide remarkably with the estimate of the committee ; which shows with what disregard to the state of the facts the Senator ven-

tures his assertions, though uttered with so much confidence. But that there may be no further question on this point, I will turn to the report of the Secretary itself, and compare in detail his estimate with that submitted by the committee. Beginning, then, with the customs, which is the principal source of our revenue, the Secretary estimates the income from this source at sixteen millions of dollars ; the committee at sixteen millions three hundred and seventy thousand dollars ; making a difference of but three hundred and seventy thousand dollars—a very striking coincidence, considering that the calculations rest upon grounds so essentially different. The Secretary assumes as his basis the income from the customs for the last year, without taking into the estimate that a very considerable portion of the receipts from that source last year were derived from duties accruing the preceding year, when the rates were much higher than they are now ; but to balance this error, he omits to take into the account the diminution of the imports of articles subject to duty, in consequence of the disturbed state of the currency, which two sums nearly balance each other ; and thus, by two errors of an opposite character, and of nearly equal magnitude, he has accidentally fallen upon the truth.

As to the next greatest source of our revenue, the public lands, the estimates of the Secretary and the committee exactly coincide ; both placing it at three millions five hundred thousand dollars. The estimates of the remaining resources are placed by the Secretary at $500,070 ; by the committee at $450,000 ; making a difference of $50,070 only. Adding these several items on both sides, the aggregate of the Secretary amounts to $20,000,070 ; and that of the committee to $20,320,000 ; making a difference of but $319,930. So much for the income. As to the expenditure, I am not ignorant that the Secretary estimates it at $19,683,541—making a difference between that and his estimate of the income, of $316,529. The committee, on the

contrary, make no estimate of the *actual* expenditure. Its object was not to estimate the expenditure on the present scale, which is admitted by the Senator himself to be enormous, profuse, and profligate. On the contrary, the object of the committee was to ascertain to what these expenditures might safely be reduced, consistently with the just efficiency of the Government. For this purpose, they selected the year 1823 as the basis on which to rest their estimate—a year which the Senator at that time, and those with whom he then acted, denounced as profuse and extravagant (Mr. Benton assented), and which he even now has the assurance to allude to as extravagant, and attempts to hold me responsible as its author. Well, then, I have taken this extravagant period. I have allowed twenty per cent. upon its expenditure—which so many who now support the present administration, then pronounced as so extravagant. Yes, twenty per cent. on the then expenditure on fortifications—on internal improvements—on pensions, and every other item, all of which the Senator has pronounced to have been so extravagant at that period, that even now he holds the then administration responsible, in his zeal to defend the present. I have gone further. I have added the actual increase of pensions, of which he now complains so much, and to which he mainly attributes the present great increase of expenditure, to the twenty per cent., and find that, with all these heavy additions, the expenditure ought not, at present, to exceed $12,060,412 per annum for the next seven years; which, deducted from the estimate of the receipts of the present year, as given by the Secretary of the Treasury, and on which the Senator relies for his uncourteous and extravagant assertions, leaves a balance of $7,939,658. If we allow for the surplus revenue now in the treasury, deducting two millions for contingent expense, and the Government portion of the United States Bank stock—making together $13,039,381—and distribute this sum equally in the next

seven years, it would give $1,862,768 to each year. Add this to the surplus already obtained, and it would give a balance of upwards of nine millions, as estimated by the committee.

Thus, said Mr. C., the very authority which the Senator resorts to, and on the strength of which he has ventured to utter his bold and lawless denunciations of the report, sustains it in a most remarkable manner, and furnishes a striking proof of the carelessness and inattention of the Senator in his assumptions and his arguments.

Nature, said Mr. C., has bestowed her gifts very unequally and partially upon men. To some she has given one quality, and to others another. She has certainly been profuse of her gifts to the Senator from Missouri (Mr. Benton), in one particular; she has endowed him, above all men, with boldness—yes, boldness of assertion; but I must say she has been more niggard in the power of ratiocination. In the face of this confirmation of the estimate of the committee, by his own authority, he has ventured to assail the correctness of the report in the most unqualified manner, and bellowed out that the estimate was extravagant—a fallacy—hallucination!

He has, said Mr. C., not thought proper to repeat these offensive epithets in the speech which he has just delivered; but in lieu of them he tells us that the report is deceptive—fallacious; and that, while pretending to moderation but thinly veiled, it partakes of the most bitter party character; and in the same breath with which he makes these charges, he alleges, as a serious charge against the committee, that they did not go into an inquiry of the cause of the enormous increase of patronage and expenditure, which the Senator cannot deny. I repel, said Mr. C., the charges of the Senator as destitute of any foundation, and affirm that the report is as free from party spirit as it is possible for a paper of this description to be, consistently with truth and a regard to duty. The Senate charged the committee, in its resolution, to inquire into the extent of Executive patronage—its great

increase of late—and the expediency and practicability of reducing it; and how could the committee perform this duty without speaking freely of facts as they exist? How could they inform the people of these States of the extent of Executive patronage, and the cause of its great increase of late, if they had said less than they have? The truth is, the committee looked to the facts, and to the facts only; and treated of them, as much as possible, separate from all personal or party considerations; and yet the Senator from Missouri, while he charges the committee with giving a party character to the report, with a strange inconsistency and confusion of ideas, blames them for not inquiring into the fact of who were the authors of the present extravagant expenditure and enormous patronage, which he does not pretend to deny. Can the Senator be so blind as not to see that it was impossible to discuss that point without giving a violent party character to the report, which would have ended in preventing the possibility of applying a remedy to what all (and he with others) admit to be a deep and dangerous disease? I must tell the Senator what, as a member, he ought to know, that the committee were actuated by far higher and more patriotic considerations. They were more studious of devising a remedy to arrest the dangerous progress of events, than of giving a party character to their proceedings, which, however it might bear upon those in power, could not but defeat the object which the Senate had in view in instituting the inquiry. This is the reason why the committee did not inquire who were the authors of the present state of things. They were not deterred, as the Senator seems to insinuate, by the apprehension that the inquiry would implicate others as the authors of the present diseased condition of the country, and exempt the administration. The result of such an inquiry, so far from acquitting, would deeply implicate the administration in all the extravagant expenditures to which the Senator alludes—internal improvements, pensions, removal of

the Indians, and those connected with the tariff, as I am prepared to show, whenever a suitable opportunity offers. But before I quit this part of the subject, let me correct an error, into which it would seem strange that the Senator should have fallen. He tells us, with his usual confidence, that Andrew Jackson was the author of the plan of removing the Indians to the west of the Mississippi, and bestows upon him all the honor and the glory, and calls upon the State of Mississippi and the new States to pay the debt of gratitude which they owe him as the author of this noble policy. Is it possible that the Senator could have been ignorant that it was Thomas Jefferson, and not the object of his adoration, who was the real author? Can he be ignorant that Andrew Jackson himself (as he calls the President), in the treaty with the Cherokees, in 1817, acknowledges this fact? To come to a later period, is he ignorant that Mr. Monroe recommended, in one of his messages, in the fullest and most explicit manner, the adoption of the policy of the removal of all the Indian tribes within our limits on the east of the Mississippi, to the west of that river? and that the message of Mr. Monroe was founded on a report of which I was the author, as Secretary of War? How, with all these facts before him, could the Senator pronounce, as he has, that the present President was the author of the system, and that, as such, he ought to have bestowed upon him exclusively whatever honor and gratitude may belong to it? Let me tell the Senator, that he who undertakes to correct the errors of others, ought to be very cautious of committing errors himself.

But it seems that the committee have committed an enormous error in the statement of the expenditure which they have given for the ten years from 1823 to 1833. The Senator says that they have entirely overlooked the extraordinary expenditure for the last of these years. A very simple answer will set him right. The object of the committee as

the statement itself on its face purports to be, is to exhibit the amount of the expenditures only for the period in question, without inquiring into their nature and character, or for what reason or objects they were incurred, with the view of showing that there was a regular progression and great increase of the expenditures of late. The statement is taken from the official returns of the expenditure during the ten years, and in addition to which the report gives the estimated expenditure for 1834, and the annual report of the Secretary of the Treasury gives the estimate of the expenditure of the current year: so that the committee could have had no object in selecting 1833 with a view of exhibiting the increase to be greater than it really is. It was selected simply because it is the last year of which we have official and certain returns of the expenditures—those of 1834 and 1835 being as yet in some degree uncertain and conjectural. Now, said Mr. C., if the expenditure of 1833 gives us so unfair a result; if, as the Senator contends, it was swelled so enormously by accidental circumstances, that seven millions ought to be deducted to obtain the true result, what will he say to the estimated expenditure of 1834 and 1835, which are but little short of twenty millions of dollars for each year? Will he pretend to say that any extraordinary occurrences affected the disbursements of the last year, or that those of the present, as estimated by the Secretary, were not based on the usual items of expenditure? Let us then lay aside the year 1833, to which the Senator so strenuously objects as being a year of extraordinary disbursements, and take that of the last or present year, the expenditure of which, as I have stated, is estimated at nearly twenty millions of dollars, and how much will the Senator gain by comparing either of those years with 1823 instead of 1833, to which he objects. He will find, on comparison, that the expenditures of 1823, compared with the estimates of this and the last year, are less than one half; and how will he, who in 1826 condemn-

ed the comparatively moderate expenditure of that period, undertake now to justify this enormous increase since—an increase which has occurred mainly under this reform administration, of which the Senator is one of the warmest and most unqualified supporters. But let us turn and examine the items of 1833, to which the Senator objects as being improperly charged upon that year.

First, the Black Hawk war, to which he charges nine hundred thousand dollars. Now, sir, said Mr. C., if I am not greatly mistaken, it was charged on this floor by a gentleman, a friend of the administration, well acquainted with that petty contest, that it originated in the misconduct of the officers and agents of the government; and might easily have been prevented if the complaints of the Indians had not been improperly neglected by those whose duty it was to attend to them. The Senator then tells us that there were extraordinary Indian treaties in that year, and large sums paid for the removal and subsistence of the Indians—which together amounted to more than one million of dollars. I cannot, said Mr. C., admit this deduction. Of the present extravagant and unreasonable disbursements, there are none more reckless and profuse than those for holding Indian treaties, purchasing Indian lands and removing Indians—which exceed many fold what has heretofore been usual; and I firmly believe have been the subject of as much, if not more abuse and corruption, than the post-office department.

The Senator next deducts the expenditure under the pension act of 1832, which he denominates loose and wild, but which he takes care to charge to the credit of Congress. I will not, said Mr. C., permit the Senator to shift the responsibility from the shoulders of the administration. It is not to be tolerated that, those who expelled a former administration because of its extravagance, shall now, when the administration thus brought into power proves to be doubly so, lay the blame upon Congress instead of taking it to themselves.

I would ask the Senator, when he drew his report in 1826 and denounced the then administration in such severe and unqualified terms for their extravagance, whether every item of expenditure at that time had not been authorized by Congress? and with what semblance of justice could he then transfer the blame from Congress to the administration, and now, under precisely similar circumstances, from the administration to Congress? He, and those who are now in power, have reaped the fruit—and as they obtained power by holding others responsible, so it is just that they should, in turn, be held responsible. I go further. I maintain as a sound rule, that every administration, unless it be in a minority in both Houses, ought, upon every principle of justice and policy, to be held responsible; and it is one of the striking evidences of the diseased and corrupt state of the present times, that such is not the fact. Has not the present administration had, at all times, a majority either in this or the other House? and has not the President freely exercised his veto whenever any party object was to be effected? Why then has this appropriation, which the Senator designates as so extravagant and improper, been permitted to pass? Why was it not defeated in the House of Representatives, where the administration had a settled majority, or arrested by the President's veto? I will answer these questions. It is because the administration has not thought proper to make either this, or any other question of principle or policy, a party question. A member may vote on any question of the kind for or against, and be still a good Jackson man. He may be for or against internal improvements—for or against the tariff—for or against this or that expenditure—for or against the Bank, without forfeiting his party character, provided always and nevertheless, he shall submit to party discipline and sustain the party candidates for office. This is the only cohesive principle; this is the only subject deemed of sufficient importance to be raised to the dignity of a party question.

All others, however important in themselves; however sacred the principle involved; however essential the measure to the public prosperity, are all, it seems, too insignificant to be made party questions. They are all left open questions, in reference to which the faithful may take either side. Yes, even the Bank itself is not a party question—of which we have a most striking illustration in the fact that General Jackson bestowed the highest gift in his power on a Senator (Mr. Forsyth), who had openly, on this floor, in the very heat of the controversy, avowed himself a Bank man—while other Senators who were openly opposed to the institution were denounced; thus furnishing a most striking illustration of the truth of what I have asserted, that the only cohesive principle which binds together the powerful party rallied under the name of General Jackson, is official patronage. Their object is to get and to hold office; and their leading political maxim, openly avowed on this floor by one of the former Senators from New-York, now governor of that State (Mr. Marcy), is that, "to the victors belong the spoils of victory!" a sentiment recently reiterated during the present session, as I understand, by an influential member in the other House, and who had the assurance to declare every man a hypocrite who does not avow it. Can any one, who will duly reflect on these things, venture to say that all is sound, and that our Government is not undergoing a great and fatal change? Let us not deceive ourselves—the very essence of a free government consists in considering offices as public trusts, bestowed for the good of the country, and not for the benefit of an individual or a party; and that system of political morals which regards offices in a different light, as public prizes to be won by combatants most skilled in all the arts and corruption of political tactics, and to be used and enjoyed as their proper spoils—strikes a fatal blow at the very vitals of free institutions.

Mr. C. said, experience has shown that there is a great

tendency in our system to degenerate into this diseased state; and I will venture to repeat (it cannot be done too often), what is stated in the report, that whenever the Executive patronage shall become sufficiently strong to form a party based on its influence exclusively, the liberty of the country, should that state of things continue for any considerable period, must be lost. We would make a great mistake were we to suppose that, because the Government of Great Britain can maintain its freedom under an immense patronage, ours also can. The genius of the two governments in this particular is wholly dissimilar; so much so as to form a perfect contrast. It is the feature by which they are most distinguished. No free government that ever existed could maintain its liberty under so much patronage as that of Great Britain, and there are few that could not bear more than ours. But, said Mr. C., it is a great subject, which I cannot enter upon on the present occasion. I return to the objection which the Senator made to the statement of the expenditures of the year 1833. I could not be ignorant, said Mr. C., in making a movement against Executive patronage, that I would bring down upon me the vengeance of that great and powerful corps now held together by this single cohesive principle—a principle as flexible as India rubber, and as tough too. The history of the world proves that he who attempts reformation, attempts it at no small hazard. I know the relation which the Senator bears to the dominant party. He is identified with them,

[Here Mr. Benton said, Mrs. Royal says so; to which Mr. C. replied, she says truly; and proceeded,]

and is their organ on the present occasion. His position compels him to adopt the course he has pursued.

There remain, then, only two items of the seven millions to be deducted: certain refunded duties, and the payment under the Danish convention, amounting to less than one

million and a half, which, if they were paid during the year, may be deducted as of an extraordinary nature, and for which the administration is not responsible; and thus the seven millions of the Senator dwindles down to about one-fifth of the amount, and the expenditures of the year, after being freed of all the items of which it can justly be, will give an increase of expenditure in the year 1833, over that of 1822, of $11,429,750.

When the report asserted, said Mr. C., that the period from 1823 to 1833, was one of profound peace, to which the Senator so violently objects, the committee were not ignorant of the disturbance with Black Hawk and his followers, on our northwest frontier, which the Senator has attempted to dignify by calling it a war. If my memory serves me, it was limited to a single tribe, headed by a single chief, and did not extend to the nation to which he belonged, and lasted but a few months; and it is in vain for the Senator from Missouri to impeach the correctness of the report, which asserts the period to be one of profound peace, by calling to our recollection this paltry affair, which originated in the misconduct of the administration, and has swelled into the little magnitude which it attained, by its mismanagement. The Senator from Missouri endeavors to escape from the inconsistency in which he is placed by his report in 1826 and his present position. He says that I was mistaken in placing his defence of General Jackson's removals from office on political grounds, on the principle of retaliation; that it was not on that principle, but that of equalizing the offices between the parties. I, said Mr. C., have not the sagacity to perceive the difference as applied to the present case, or by what possibility the Senator can escape from the inconsistency in which he is involved, by substituting the one for the other. What are the facts? In 1826, as Chairman of the Select Committee on Executive Patronage, he made a report, in which he condemned the principle of removal from

office in the severest terms, more severe than those used in the present report. He traced its destructive tendency to the great increase which it was calculated to give to Executive patronage, and pronounced the exercise of the power by the President to be unconstitutional; and now, when the present administration has carried the exercise of this very power, thus condemned by the Senator, more than thirty-fold beyond any or all preceding administrations, the Senator ventures to rest his vindication of the administration and his support of it on the ground of equalization—equalization! What allusion, what exception did the Senator make in favor of equalization in his report? and how can equalization any more than retaliation justify a violation of the constitution.

Mr. C. said, I regret that I have been forced to the discussion of these topics on the present bill, in reference to which the committee is unanimous; but the extraordinary course of the Senator from Missouri, his bold and unfounded charges and unwarranted imputations, compel me to adopt the course which I have. I now hope that the bill may be allowed to proceed, and that further discussion on the merits of the report will be postponed to some future and more suitable occasion.

SPEECH

On the Abolition Petitions, delivered in the Senate, March 9th, 1836.

[The question of receiving the petitions from Pennsylvania for the abolition of slavery in the District of Columbia, being under consideration:—]

Mr. Calhoun rose, and said: If we may judge from what has been said, the mind of the Senate is fully made up on the subject of these petitions. With the exception of the

two Senators from Vermont, all who have spoken have avowed their conviction, not only that they contain nothing requiring the action of the Senate, but that the petitions are highly mischievous, as tending to agitate and distract the country, and to endanger the Union itself. With these concessions, I may fairly ask, why should these petitions be received? Why receive, when we have made up our mind not to act? Why idly waste our time and lower our dignity in the useless ceremony of receiving to reject, as is proposed, should the petitions be received? Why finally receive what all acknowledge to be highly dangerous and mischievous? But one reason has or can be assigned—that not to receive would be a violation of the right of petition, and, of course, that we are bound to receive, however objectionable and dangerous the petitions may be. If such be the fact, there is an end to the question. As great as would be the advantage to the abolitionists, if we are bound to receive—if it would be a violation of the right of petition not to receive, we must acquiesce. On the other hand, if it shall be shown, not only that we are not bound to receive, but that to receive on the ground on which it has been placed, would sacrifice the constitutional rights of this body, would yield to the abolitionists all they could hope at this time, and would surrender all the outworks by which the slaveholding States can defend their rights and property HERE, then an unanimous rejection of these petitions ought of right to follow.

The decision, then, of the question now before the Senate is reduced to the single point—Are we bound to receive these petitions? Or, to vary the form of the question—Would it be a violation of the right of petition not to receive them?

When the ground was first taken that it would be a violation, I could scarcely persuade myself that those who took it were in earnest, so contrary was it to all my conceptions of the rights of this body, and the provisions of the

constitution; but finding it so earnestly maintained, I have since carefully investigated the subject, and the result has been a confirmation of my first impression, and a conviction that the claim of right is without shadow of foundation. The question, I must say, has not been fairly met. Those opposed to the side which we support, have discussed the question as if we denied the right of petition, when they could not but know that the true issue is not as to the *existence* of the right, which is acknowledged by all, but its *extent* and *limits*, which not one of our opponents has so much as attempted to ascertain. What they have declined doing I undertake to perform.

There must be some point, all will agree, where the right of petition ends, and that of this body begins. Where is that point? I have examined this question carefully, and I assert boldly, without the least fear of refutation, that, stretched to the utmost, the right cannot be extended beyond the presentation of a petition, at which point the rights of this body commence. When a petition is presented, it is before the Senate. It must then be acted on. Some disposition must be made of it before the Senate can proceed to the consideration of any other subject. This no one will deny. With the action of the Senate its right commences—a right secured by an express provision of the constitution, which vests each House with the authority of regulating its own proceedings,—that is, of determining by fixed rules the order and form of its action. To extend the right of petition beyond presentation, is clearly to extend it beyond that point where the action of the Senate commences, and, as such, is a manifest violation of its constitutional rights. Here then we have the limits between the right of petition and the right of the Senate to regulate its proceedings clearly fixed, and so perfectly defined as not to admit of mistake—and I would add of controversy, had it not been questioned in this discussion.

If what I have asserted required confirmation, ample might be found in our rules, which embody the deliberate sense of the Senate on this point, from the commencement of the Government to this day. Among them the Senate has prescribed that of its proceedings on the presentation of petitions. It is contained in the 24th Rule, which I ask the Secretary to read, with Mr. Jefferson's remarks in reference to it :—

"Before any petition or memorial addressed to the Senate shall *be received*, and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer."—Rule 24.

Mr. Jefferson's remarks :—

"*Regularly a motion for receiving it must be made and seconded, and the question put whether it shall be received;* but a cry from the House of 'receive,' or even a silence, dispenses with the formality of the question."

Here we have a confirmation of all I have asserted. It clearly proves that when a petition is presented, the action of the Senate commences. The first act is to receive the petition. Received by whom? Not the Secretary, but the Senate. And how can it be received by the Senate but on a motion to receive, and a vote of a majority of the body? And Mr. Jefferson accordingly tells us that, regularly, such a motion must be made and seconded. On this question then, the right of the Senate begins, and its right is as perfect and full to receive or reject, as it is to adopt or reject any other question, in any subsequent stage of its proceedings. When I add, that this rule was adopted as far back as the 19th of April, 1789, at the first session of the Senate, and that it has been retained, without alteration, in all the subsequent changes and modifications of the rules, we have the strongest evidence of the deliberate sense of this body in reference to the point under consideration.

I feel that I might here terminate the discussion. I have shown conclusively that the right of petition cannot possibly be extended beyond presentation. At that point it is met by the rights of the Senate; and it follows as a necessary consequence, that so far from being bound to receive these petitions—so far would a rejection be from violating the right of petition, we are left perfectly free to reject or to receive at pleasure, and that we cannot be deprived of it without violating the rights of this body, secured by the constitution.

But on a question of such magnitude, I feel it to be a duty to remove every difficulty; and, that not the shadow of a doubt may remain, I shall next proceed to reply to the objections our opponents have made to the grounds I have taken. At the head of these, it has been urged, again and again, that petitioners have a right to be heard; and that not to receive petitions is to refuse a hearing. It is to be regretted that throughout this discussion those opposed to us have dealt in such vague generalities, and ventured assertions with so little attention to facts. Why have they not informed us, in the present instance, what is meant by the right to be heard, and how that right is violated by a refusal to receive? Had they thought proper to give us this information, it would at least have greatly facilitated my reply; but as it is, I am constrained to inquire into the different senses in which the assertion may be taken, and then to show that in not one of them is the right of petition in the slightest degree infringed by a refusal to receive.

What then is meant by the assertion that these petitioners have a right to be heard? Is it meant that they have a right to appear in the Senate chamber in person to present their petition, and to be heard in its defence? If this be the meaning, the dullest apprehension must see that the question of receiving has not the slightest bearing on such right. If they have the right to be heard personally at our

bar, it is not the 24th rule of our proceedings, but the 19th which violates that right. This rule expressly provides that a motion to admit any person whatever within the doors of the Senate to present a petition shall be out of order, and of course excludes the petitioners from being heard in person. But it may be meant that petitioners have a right to have their petitions presented to the Senate, and read in their hearing. If this be the meaning, the right has been enjoyed in the present instance to the fullest extent. The petition was presented by the Senator from Pennsylvania (Mr. Buchanan) in the usual mode, by giving a statement of its contents, and on my call was read by the Secretary at his table.

But one more sense can be attached to the assertion. It may be meant that the petitioners have a right to have their petitions discussed by the Senate. If this be intended, I will venture to say, there never was an assertion more directly in the teeth of facts than that which has been so frequently made in the course of this discussion—that, to refuse to receive the petition, is to refuse a hearing to the petitioners. Has not this question been before us for months? Has not the petition been discussed day after day, fully and freely, in all its bearings? And how, with these facts before us, with the debates still ringing in our ears, any Senator can rise in his place, and gravely pronounce that, to refuse to receive this petition is to refuse a hearing to the petitioners—to refuse discussion, in the broadest sense, is past my comprehension. Our opponents, as if in their eagerness to circumscribe the rights of the Senate, and to enlarge those of the abolitionists (for such must be the effect of their course), have closed their senses against facts passing before their eyes; and have entirely overlooked the nature of the question now before the Senate, and which they have been so long discussing.

The question on receiving the petition not only admits discussion, but admits it in the most ample manner; more

so, in fact, than any other, except the final question on the rejection of the prayer of the petition, or some tantamount question. Whatever may go to show that the petition is or is not deserving the action of this body may be freely urged for or against it, as has been done on the present occasion. In this respect there is a striking difference between it and many of the subsequent questions which may be raised after reception, and particularly the one made by the Senator from Tennessee (Mr. Grundy), who now is so strenuous an advocate in favor of the right of the petitioners to be heard. He spoke with apparent complacency of his course, as it respects another of these petitions. And what was that course? He who is now so eager for discussion, to give a hearing, moved to lay the petition on the table—a motion which cuts off all discussion.

But it may be asked, if the question on receiving petitions admits of so wide a scope for discussion, why not receive this petition, and discuss it at some subsequent stage? Why not receive, it in order to reject its prayer, as proposed by the Senator from Pennsylvania (Mr. Buchanan), instead of rejecting the petition itself on the question of receiving, as we propose? What is the difference betwen the two?

I do not intend at this stage to compare, or rather to contrast the two courses, for they admit of no comparison. My object at present is to establish beyond the possibility of doubt that we are not bound to receive these petitions; and when that is accomplished, I will then show the disastrous consequences which must follow the reception of the petition, be the after disposition what it may. In the mean time it is sufficient to remark that, it is only on the question of receiving that opposition can be made to the *petition itself*. On all others, the opposition is to its *prayer*. On the decision, then, of the question of receiving depends the important question of jurisdiction. To receive is to take jurisdiction—to give an implied pledge to investigate and decide on the

prayer,—to give the petition a place in our archives, and become responsible for its safe-keeping; and he who votes for receiving this petition on the ground on which its reception is placed, votes that Congress is bound to take jurisdiction of the question of abolishing slavery both here and in the States—gives an implied pledge to take the subject under consideration, and orders the petition to be placed among the public records for safe-keeping.

But to proceed in reply to the objections of our opponents. It is next urged that precedents are against the side we support. I meet this objection with a direct denial. From the beginning of the Government to the commencement of this session, there is not a single precedent that justifies the receiving of these petitions on the ground on which their reception is urged. The real state of the case is, that we are not following but making precedents. For the first time has the principle been assumed, that we are bound to receive petitions; that we have no discretion, but must take jurisdiction over them, however absurd, frivolous, mischievous, or foreign from the purpose for which the Government was created. Receive these petitions, and you will create a precedent which will hereafter establish this monstrous principle. As yet there are none. The case relied on by the Senator from Tennessee (Mr. Grundy) is in no respect analogous. No question in that case was made on the reception of the petition. The petition slipped in without taking a vote, as is daily done, when the attention of the Senate is not particularly called to the subject. The question on which the discussion took place was on the reference, and not on the reception, as in this case. But what is decisive against the precedent, and which I regret the Senator (Mr. Grundy) did not state, so that it might accompany his remarks, is the fact, that the petition was not for abolishing slavery. The subject was the African slave trade; and the petition simply prayed that Congress would *inquire* whether they might not

adopt some measure of interdiction prior to 1808, when, by the constitution, they would be authorized to suppress that trade. I ask the Secretary to read the prayer of the petition :

"But we find it indispensably incumbent on us, as a religious body,—assuredly believing that both the true temporal interests of nations, and eternal well-being of individuals, depend on doing justly, loving mercy, and walking humbly before God, the creator, preserver, and benefactor of men,—thus to attempt to excite your attention to the affecting subject (of the slave trade), earnestly desiring that the infinite Father of Spirits may so enrich your minds with his love and truth, and so influence your understanding by that pure wisdom which is full of mercy and good fruits, as that a sincere and an impartial inquiry may take place, whether it be not an essential part of the duty of your exalted station to exert upright endeavors, to the full extent of your power, to remove every obstruction to public righteousness, which the influence or artifice of particular persons governed by the narrow, mistaken views of self-interest has occasioned; and whether, notwithstanding such seeming impediments, it be not really within your power to exercise justice and mercy, which, if adhered to, we cannot doubt abolition must produce the abolition of the slave trade."

Now, I ask the Senator, where is the analogy between this and the present petition, the reception of which he so strenuously urges? He is a lawyer of long experience and of distinguished reputation—and I put the question to him, on what possible principle can a case so perfectly dissimilar justify the vote he intends to give on the present occasion? On what possible ground can the vote of Mr. Madison to refer that petition, on which he has so much relied, justify him in receiving this? Does he not perceive, in his own example, the danger of forming precedents? If he may call to his aid the authority of Mr. Madison, in a case so dissimilar, to justify the reception of this petition, and thereby extend the jurisdiction of Congress over the question of emancipation, to what purpose hereafter may not the example of his course on the present occasion be perverted?

It is not my design to censure Mr. Madison's course, but

I cannot refrain from expressing my regret that his name is not found associated, on that occasion, with the sagacious and firm representatives from the South—Smith, Tucker and Brooke, of South Carolina, James Jackson, of Georgia, and many others who, at that early period, foresaw the danger, and met it as it ought ever to be met by those who regard the peace and security of the slaveholding States. Had he added the weight of his talents and authority to theirs, a more healthy tone of sentiment than that which now unfortunately exists, would this day have been the consequence.

Another case has been cited, to justify the vote for reception. I refer to the petition from the Quakers, in 1805, which the Senator from Pennsylvania (Mr. Buchanan) relies on to sustain him in receiving the present petition. What I have said in reply to the precedent cited by the Senator from Tennessee, applies equally to this. Like that, the petition prayed legislation, not on the abolition of slavery, but the African slave trade, over which subject Congress, then in a few years, would have full jurisdiction by the constitution, and might well have their attention called to it in advance. But, though their objects were the same, the manner in which the petitions were met was very dissimilar. Instead of being permitted to be received silently, like the former, this petition was met at the threshold. The question of receiving was made, as on the present occasion, and its rejection sustained by a strong Southern vote, as the journal will show. The Secretary will read the journal:

"Mr. Logan presented a petition signed Thomas Morris, clerk, on behalf of the meeting of the representatives of the people called Quakers, in Pennsylvania, New Jersey, &c., stating that the petitioners, from a sense of religious duty, had again come forward to plead the cause of their oppressed and degraded fellow-men of the African race. On the question, 'Shall this petition be received?' it passed in the affirmative—yeas, 19; nays, 9."

Among those to receive the petition, there were but four

from the slaveholding States, and this on a simple petition praying for legislation on a subject over which Congress in so short a time would have full authority. What an example to us on the present occasion! Can any man doubt, from the vote, if the Southern Senators on that occasion had been placed in our present situation—that, had it been their lot as it is ours, to meet that torrent of petitions which is now poured in on Congress—not from peaceable Quakers, but ferocious incendiaries—not to suppress the African slave trade, but to abolish slavery—they would, with united voice, have rejected the petition with scorn and indignation? Can any one who knew him doubt, that one of the Senators from the South (the gallant Sumter), who on that occasion voted for receiving the petition, would have been among the first to vindicate the interests of those whom he represented, had the question at that day been what it is on the present occasion?

We are next told that, instead of looking to the constitution, in order to ascertain what are the limits to the right of petition, we must push that instrument aside, and go back to Magna Charta and the Declaration of Rights for its origin and limitation. We live in strange times. It seems there are Christians now more orthodox than the Bible, and politicians whose standard is higher than the constitution; but I object not to tracing the right to these ancient and venerated sources; I hold in high estimation the institutions of our English ancestors. They grew up gradually through many generations, by the incessant and untiring efforts of an intelligent and brave people struggling for centuries against the power of the crown. To them we are indebted for nearly all that has been gained for liberty in modern times, excepting what we have added. But may I not ask how it has happened that our opponents, in going back to these sacred instruments, have not thought proper to cite their provisions, or to show in what manner our refusal to receive these

petitions violates the right of petition as secured by them? I feel under no obligation to supply the omission—to cite what they have omitted to cite, or to prove, from the instruments themselves, that to be no violation of them which they have not proved to be a violation. It is unnecessary. The practice of parliament is sufficient for my purpose. It proves conclusively that it is no violation of the right, as secured by those instruments, to refuse to receive petitions. To establish what this practice is, I ask the Secretary to read from Hatsell, a work of the highest authority, the several paragraphs which are marked with a pencil, commencing at page 760, under the head of Petitions on Matter of Supply:

"On the 9th of April 1694, a petition was tendered to the House, relating to the bill for granting to their Majesties several duties upon the tonnage of ships; and the question being put, that the petition be received, it passed in the negative.

"On the 28th of April, 1698, a petition was offered to the House against the bill for laying a duty upon inland pit coal; and the question being put, that the petition be received, it passed in the negative. See, also, the 29th and 30th of June, 1698, petitions relating to the duties upon Scotch linens, and upon whale fins imported.—Vide 20th of April, 1698.

"On the 5th of January, 1703, a petition of the maltsters of Nottingham being offered, against the bill for continuing the duties on malt, and the question being put, that the petition be brought up, it passed in the negative.

"On the 21st December, 1706, *Resolved*, That this House will receive no petition for any sum of money relating to public service, but what is recommended from the Crown. Upon the 11th of June, 1713, this is declared to be a standing order of the House.

"On the 29th of March, 1707, *Resolved*, That the House will not proceed on any petition, motion, or bill for granting any money, or for releasing or compounding any money owing to the crown, but in a Committee of the Whole House; and this is declared to be a standing order. See, also, the 29th of November, 1710.

"On the 23d of April, 1713, *Resolved*, That the House will receive no petition for compounding debts to the Crown, upon any branch of the revenue, without a certificate from the proper officer annexed, stating the

debt, what prosecutions have been made for the recovery thereof, and what the petitioner and his security are able to pay.

"On the 25th of March, 1715, this is declared to be a standing order. See the 2d of March, 1735, and the 9th of January 1752, the proceedings upon petitions of this sort.

"On the 8th of March, 1732, a petition being offered against a bill depending for securing the trade of the sugar colonies, it was refused to be brought up. A motion was then made that a committee be appointed to search precedents in relation to the receiving or not receiving petitions against the imposing of duties; and the question being put, it passed in the negative."

Nothing can be more conclusive. Not only are petitions rejected, but resolutions are passed refusing to receive entire classes of petitions, and that too on the subject of imposing taxes—a subject, above all others, in relation to which we would suppose the right ought to be held most sacred,—and this within a few years after the declaration of rights. With these facts before us, what are we to think of the assertion of the Senator from Tennessee (Mr. Grundy), who pronounced in his place, in the boldest and most unqualified manner, that there was no deliberative body which did not act on the principle that it was bound to receive petitions? That a member of his long experience and caution should venture to make an assertion so unfounded, is one of the many proofs of the carelessness, both as to facts and argument, with which this important subject has been examined and discussed on that side.

But it is not necessary to cross the Atlantic, or to go back to remote periods to find precedents for the rejection of petitions. This body on a memorable occasion, and after full deliberation, a short time since, rejected a petition: and among those who voted for the rejection will be found the names (of course I exclude my own) of the most able and experienced members of the Senate. I refer to the case of resolutions in the nature of a remonstrance from the citizens of York, Pennsylvania, approving the act of the President in

removing the deposits. I ask the Secretary to read the journals on the occasion:

"The Vice-President communicated a preamble and a series of resolutions adopted at a meeting of the citizens of York county, Pennsylvania, approving the act of the Executive removing the public money from the Bank of the United States, and opposed to the renewal of the charter of said bank; which having been read, Mr. Clay objected to the reception. And on the question, Shall they be received? it was determined in the negative—yeas, 20; nays, 24.

"On motion of Mr. Preston, the yeas and nays being desired by one-fifth of the Senators present, those who voted in the affirmative, are,

"Messrs. Benton, Brown, Forsyth, Grundy, Hendricks, Hill, Kane, King of Alabama; King of Georgia; Linn, McKean, Mangum, Morris, Robinson, Shepley, Tallmadge, Tipton, White, Wilkins, Wright.

"Those who voted in the negative are,

"Messrs. Bibb, Black, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Kent, Leigh, Moore, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Waggaman, Webster."

In citing this case it is not my intention to call in question the consistency of any member on this floor; it would be unworthy of the occasion. I doubt not the vote then given was given from a full conviction of its correctness, as it will doubtless be in the present case, on whatever side it may be found. My object is to show that the principle for which I contend, so far from being opposed, is sustained by precedents, here and elsewhere, ancient and modern.

In following, as I have, those opposed to me, to Magna Charta, and the Declaration of Rights, for the origin and the limits of the right of petition, I am not disposed with them to set aside the constitution. I assent to the position they assume, that the right of petition existed before the constitution, and that it is not derived from it; but while I look beyond that instrument for the right, I hold the constitution, on a question as to its extent and limits, to be the highest authority. The first amended article of the constitution, which provides that Congress shall pass no law

to prevent the people from peaceably assembling and petitioning for a redress of grievances, was clearly intended to prescribe the limits within which the right might be exercised. It is not pretended that to refuse to receive petitions touches in the slightest degree on these limits. To suppose that the framers of the constitution—no, not its framers, but those jealous patriots who were not satisfied with that instrument as it came from the hands of its framers, and who proposed this very provision to guard what they considered a sacred right—performed their task so bunglingly as to omit any essential guard, would be to do great injustice to the memory of those stern and sagacious men ; and yet this is what the Senator from Tennessee (Mr. Grundy) has ventured to assert. He said that no provision was added to guard against the rejection of petitions, because the obligation to receive was considered so clear that it was deemed unnecessary ; when he ought to have known that, according to the standing practice at the time, parliament was in the constant habit as has been shown, of refusing to receive petitions—a practice which could not have been unknown to the authors of the amendment ; and from which it may be fairly inferred that, in omitting to provide that petitions should be received, it was not intended to comprehend their reception in the right of petition.

I have now, I trust, established beyond all controversy, that we are not bound to receive these petitions ; and that if we should reject them we would not, in the slightest degree, infringe the right of petition. It is now time to look to the rights of this body, and to see whether, if we should receive them, when it is acknowledged that the only reason for receiving is, that we are bound to do so, we would not establish a principle which would trench deeply on the rights of the Senate. I have already shown, that where the action of the Senate commences, there also its right to determine how and when it shall act also commences. I have also

shown that the action of the Senate necessarily begins on the presentation of a petition; that the petition is then before the body; that the Senate cannot proceed to other business without making some disposition of it; and that, by the 24th rule, the first action after presentation is on a question to receive the petition. To extend the right of petition to the question of receiving, is to expunge this rule—to abolish this unquestionable right of the Senate, and that, too, for the benefit, in this case, of the abolitionists. Their gain would be at the loss of this body. I have not expressed myself too strongly. Give the right of petition the extent contended for; decide that we are bound, under the constitution, to receive these incendiary petitions, and the very motion before the Senate would be out of order. If the constitution makes it our duty to receive, we would have no discretion left to reject, as the motion presupposes. Our rules of proceeding must accord with the constitution. Thus, in the case of revenue bills, which, by the constitution, must originate in the other House, it would be out of order to introduce them here, and it has accordingly been so decided. For like reason, if we are bound to receive petitions, the present motion would be out of order; and, if such be your opinion, it is your duty, as the presiding officer, to call me to order, and to arrest all further discussion on the question of reception. Let us now turn our eyes for a moment to the nature of the right which I fear we are about to abandon, with the view to ascertain what must be the consequence if we should surrender it.

Of all the rights belonging to a deliberative body, I know of none more universal, or indispensable to a proper performance of its functions, than the right to determine at its discretion what it shall receive, over what it shall extend its jurisdiction, and to what it shall direct its deliberation and action. It is the first and universal law of all such bodies, and extends not only to petitions, but to reports, to bills,

and resolutions, varied only, in the two latter, in the form of the question. It may be compared to the function in the animal economy, with which all living creatures are endowed, of selecting, through the instinct of taste, what to receive or reject ; and on which the preservation of their existence depends. Deprive them of this function, and the poisonous as well as the wholesome would be indifferently received into their system. So with deliberative bodies ; deprive them of the essential and primary right to determine at their pleasure what to receive or reject, and they would become the passive receptacles, indifferently, of all that is frivolous, absurd, unconstitutional, immoral, and impious, as well as what may properly demand their deliberation and action. Establish this monstrous, this impious principle (as it would prove to be in practice), and what must be the consequence ? To what would we commit ourselves ? If a petition should be presented, praying the abolition of the constitution (which we are all bound by our oaths to protect), according to this abominable doctrine, it must be received. So if it prayed the abolition of the Decalogue, or of the Bible itself. I go further. If the abolition societies should be converted into a body of atheists, and should ask the passage of a law denying the existence of the Almighty Being above us, the Creator of all, according to this blasphemous doctrine, we would be bound to receive the petition—to take jurisdiction of it. I ask the Senators from Tennessee and Pennsylvania (Mr. Grundy and Mr. Buchanan), would they vote to receive such a petition ? I wait not an answer. They would instantly reject it with loathing. What, then, becomes of the unlimited, unqualified, and universal obligation to receive petitions, which they so strenuously maintain, and to which they are prepared to sacrifice the constitutional rights of this body ?

I shall now descend from these hypothetical cases, to the particular question before the Senate—What, then, must be the consequences of receiving this petition, on the principle

that we are bound to receive it, and all similar petitions, whenever presented? I have considered this question calmly in all its bearings, and do not hesitate to pronounce that, to receive, would be to yield to the abolitionists all that the most sanguine could for the present hope, and to abandon all the outworks upon which we of the South rely for our defence against their attacks here.

No one can believe that the fanatics, who have flooded this and the other House with their petitions, entertain the slightest hope that Congress would pass a law, *at this time*, to abolish slavery in this District. Infatuated as they are, they must see that public opinion at the North is not yet prepared for so decisive a step, and that seriously to attempt it now would be fatal to their cause. What, then, do they hope? What, but that Congress should take jurisdiction of the subject of abolishing slavery—should throw open to the abolitionists the halls of legislation, and enable them to establish a permanent position within their walls, from which hereafter to carry on their operations against the institutions of the slaveholding States? If we receive this petition, all these advantages will be realized to them to the fullest extent. Permanent jurisdiction would be assumed over the subject of slavery, not only in this District, but in the States themselves, whenever the abolitionists might choose to ask Congress, by sending their petitions here, for the abolition of slavery in the States. We would be bound to receive such petitions, and, by receiving, would be fairly pledged to deliberate and decide on them. Having succeeded in this point, a most favorable position would be gained. The centre of operations would be transferred from Nassau Hall to the Halls of Congress. To this common centre the incendiary publications of the abolitionists would flow, in the form of petitions, to be received and preserved among the public records. Here the subject of abolition would be agitated session after session, and from hence the assaults on the pro-

perty and institutions of the people of the slaveholding States would be disseminated, in the guise of speeches, over the whole Union.

Such would be the advantages yielded to the abolitionists. In proportion to their gain would be our loss. What would be yielded to them would be taken from us. Our true position—that which is indispensable to our defence *here*, is, that Congress has no legitimate jurisdiction over the subject of slavery either here or elsewhere. The reception of this petition surrenders this commanding position; yields the question of jurisdiction, so important to the cause of abolition and so injurious to us; compels us to sit in silence to witness the assaults on our character and institutions, or to engage in an endless contest in their defence. Such a contest is beyond mortal endurance. We must in the end be humbled, degraded, broken down, and worn out.

The Senators from the slaveholding States, who, most unfortunately, have committed themselves to vote for receiving these incendiary petitions, tell us that whenever the attempt shall be made to abolish slavery they will join with us to repel it. I doubt not the sincerity of their declaration. We all have a common interest, and they cannot betray ours without betraying, at the same time, their own. But I announce to them that they are now called on to redeem their pledge. *The attempt is* NOW *being made.* The work is going on daily and hourly. The war is waged, not only in the most dangerous manner, but in the only manner that it can be waged. Do they expect that the abolitionists will resort to arms, and commence a crusade to liberate our slaves by force? Is this what they mean when they speak of the attempt to abolish slavery? If so, let me tell our friends of the South who differ from us, that the war which the abolitionists wage against us is of a very different character, and far more effective. It is a war of religious and political fanaticism, mingled, on the part of the leaders, with ambition

and the love of notoriety—and waged, not against our lives, but our character. The object is to humble and debase us in our own estimation, and that of the world in general; to blast our reputation, while they overthrow our domestic institutions. This is the mode in which they are attempting abolition, with such ample means and untiring industry; and *now is the time* for all who are opposed to them to meet the attack. How can it be successfully met? This is the important question. There is but one way: we must meet the enemy on the frontier—on the question of receiving; we must secure that important pass—it is our Thermopylæ. The power of resistance, by an universal law of nature, is on the exterior. Break through the shell—penetrate the crust, and there is no resistance within. In the present contest, the question on receiving constitutes our frontier. It is the first, the exterior question, that covers and protects all the others. Let it be penetrated by receiving this petition, and not a point of resistance can be found within, as far as this Government is concerned. If we cannot maintain ourselves there, we cannot on any interior position. Of all the questions that can be raised, there is not one on which we can rally on ground more tenable for ourselves, or more untenable for our opponents, not excepting the ultimate question of abolition in the States. For our right to reject this petition is as clear and unquestionable as that Congress has no right to abolish slavery in the States.

Such is the importance of taking our stand immovably on the question now before us. Such are the advantages that we of the South would sacrifice, and the abolitionists would gain, were we to surrender that important position by receiving this petition. What motives have we for making so great a sacrifice? What advantages can we hope to gain that would justify us?

We are told of the great advantages of a strong majority. I acknowledge it in a good cause, and on sound principles.

I feel in the present instance how much our cause would be strengthened by a strong and decided majority for the rejection of these incendiary petitions. If any thing we could do here could arrest the progress of the abolitionists, it would be such a rejection. But as advantageous as would be a strong majority on sound principles, it is in the same degree dangerous when on the opposite—when it rests on improper concessions, and the surrender of principles—which would be the case at present. Such a majority must, in this instance, be purchased by concessions to the abolitionists, and a surrender, on our part, that would demolish all our outworks, give up all our strong positions, and open all the passages to the free admission of our enemies. It is only on this condition that we can hope to obtain such a majority—a majority which must be gathered together from all sides, and entertaining every variety of opinion. To rally such a majority, the Senator from Pennsylvania has fallen on the device to receive this petition, and immediately reject it, without consideration or reflection. To my mind the movement looks like a trick—a mere piece of artifice to juggle and deceive. I intend no disrespect to the Senator. I doubt not his intention is good, and believe his feelings are with us; but I must say that the course he has intimated, is, in my opinion, the worst possible for the slaveholding States. It surrenders all to the abolitionists, and gives nothing, in turn, that would be of the least advantage to us. Let the majority for the course he indicates be ever so strong, can the Senator hope that it will make any impression on the abolitionists? Can he even hope to maintain his position of rejecting their petitions without consideration, against them? Does he not see that, in assuming jurisdiction by receiving their petitions, he gives an implied pledge to inquire, to deliberate, and decide on them? Experience will teach him that we must either refuse to receive, or go through. I entirely concur with the Senator from Vermont (Mr. Prentiss), on that

point. There is no middle ground that is tenable, and least of all that proposed to be occupied by the Senator from Pennsylvania, and those who act with him. In the mean time, the course he proposes is calculated to lull the people of the slaveholding States into a false security, under the delusive impression which it is calculated to make, that there is more strength here against the abolitionists than really does exist.

But we are told that the right of petition is popular in the North, and that to make an issue, however true, which might bring it in question, would weaken our friends here, and strengthen the abolitionists. I have no doubt of the kind feelings of our brethren from the North on this floor; but I clearly see that while we have their feelings in our favor, their constituents, right or wrong, will have their votes, however we may be affected. But I assure our friends that we would not do any thing, willingly, which would weaken them at home ; and, if we could be assured that, by yielding to their wishes the right of receiving petitions, they would be able to arrest, permanently, the progress of the abolitionists, we then might be induced to yield ; but nothing short of the certainty of permanent security can induce us to yield an inch. If to maintain our rights must increase the abolitionists, be it so. I would at no period make the least sacrifice of principle for any temporary advantage, and much less at the present. If there must be an issue, now is our time. We never can be more united or better prepared for the struggle ; and I, for one, would much rather meet the danger now, than turn it over to those who are to come after us.

But putting these views aside, it seems to me, taking a general view of the subject, that the course intimated by the Senator from Pennsylvania is radically wrong, and must end in disappointment. The attempt to unite all must, as it usually does, terminate in division and distraction. It will

divide the South on the question of receiving, and the North on that of rejection, with a mutual weakening of both. I already see indications of division among the Northern gentlemen on this floor, even in this stage of the question. A division among them would give a great impulse to the cause of abolition. Whatever position the parties may take, in the event of such division, one or the other would be considered more or less favorable to the abolition cause, which could not fail to run it into the political struggles of the two great parties of the North. With these views, I hold, that the only possible hope of arresting the progress of the abolitionists in that quarter, is to keep the two great parties there united against them, which would be impossible if they divide here. The course intimated by the Senator from Pennsylvania will effect a division here, and, instead of uniting the North, and thereby arresting the progress of the abolitionists, as he anticipates, will end in division and distraction, and in giving thereby a more powerful impulse to their cause. I must say, before I close my remarks in this connection, that the members from the North, it seems to me, are not duly sensible of the deep interest which they have in this question, not only as affecting the Union, but as it relates immediately and directly to their particular section. As great as may be our interest, theirs is not less. If the tide continues to roll on its turbid waves of folly and fanaticism, it must, in the end, prostrate in the North all the institutions that uphold their peace and prosperity, and ultimately overwhelm all that is eminent, morally and intellectually.

I have now concluded what I intended to say on the question immediately before the Senate. If I have spoken earnestly, it is because I feel the subject to be one of the deepest interest. We are about to take the first step that must control all our subsequent movements. If it should be such as I fear it will, if we receive this petition, and thereby establish the principle that we are obliged to

receive all such petitions ; if we shall determine to take permanent jurisdiction over the subject of abolition, whenever and in whatever manner the abolitionists may ask, either here or in the States, I fear that the consequences will be ultimately disastrous. Such a course would destroy the confidence of the people of the slaveholding States in this Government. We love and cherish the Union ; we remember with the kindest feelings our common origin, with pride our common achievements, and fondly anticipate the common greatness and glory that seem to await us ; but origin, achievements, and anticipation of coming greatness are to us as nothing, compared to this question. It is to us a vital question. It involves not only our liberty, but, what is greater (if to freemen any thing can be), existence itself. The relation which now exists between the two races in the slaveholding States has existed for two centuries. It has grown with our growth, and strengthened with our strength. It has entered into and modified all our institutions, civil and political. None other can be substituted. We will not, cannot permit it to be destroyed. If we were base enough to do so, we would be traitors to our section, to ourselves, our families, and to posterity. It is our anxious desire to protect and preserve this relation by the joint action of this Government and the confederated States of the Union ; but if, instead of closing the door—if, instead of denying all jurisdiction and all interference in this question, the doors of Congress are to be thrown open ; and if we are to be exposed here, in the heart of the Union, to endless attacks on our rights, our character, and our institutions ; if the other States are to stand and look on without attempting to suppress these attacks, originating within their borders ; and, finally, if this is to be our fixed and permanent condition, as members of this Confederacy, we will then be compelled to turn our eyes on ourselves. Come what will, should it cost every drop of blood, and every cent of property, we must

defend ourselves ; and if compelled, we would stand justified by all laws, human and divine.

If I feel alarm, it is not for ourselves, but the Union, and the institutions of the country—to which I have ever been devotedly attached, however calumniated and slandered. Few have made greater sacrifices to maintain them, and no one is more anxious to perpetuate them to the latest generation ; but they can and ought to be perpetuated only on the condition that they fulfil the great objects for which they were created—the liberty and protection of these States.

As for ourselves, I feel no apprehension. I know, to the fullest extent, the magnitude of the danger that surrounds us. I am not disposed to under-estimate it. My colleague has painted it truly. But, as great as is the danger, we have nothing to fear if true to ourselves. We have many and great resources ; a numerous, intelligent, and brave population ; great and valuable staples ; ample fiscal means ; unity of feeling and interest, and an entire exemption from those dangers originating in a conflict between labor and capital, which at this time threatens so much danger to constitutional governments. To these may be added that we would act under an imperious necessity. There would be to us but one alternative—to triumph or perish as a people. We would stand alone, compelled to defend life, character, and institutions. A necessity so stern and imperious would develop to the full all the great qualities of our nature, mental and moral, requisite for defence—intelligence, fortitude, courage, and patriotism ; and these, with our ample means, and our admirable materials for the construction of durable free States, would insure security, liberty, and renown.

With these impressions, I ask neither sympathy nor compassion for the slaveholding States. We can take care of ourselves. It is not we, but the Union which is in danger. It is that which demands our care—demands that the agita-

tion of this question shall cease *here*—that you shall refuse to receive these petitions, and decline all jurisdiction over the subject of abolition, in every form and shape. It is only on these terms that the Union can be safe. We cannot remain here in an endless struggle in defence of our character, our property, and institutions.

I shall now, in conclusion, make a single remark, as to the course I shall feel myself compelled to pursue, should the Senate, by receiving this petition, determine to entertain jurisdiction over the question of abolition. Thinking as I do, I can perform no act that would countenance so dangerous an assumption; and as a participation in the subsequent proceedings on this petition, should it unfortunately be received, might be so construed, in that event I shall feel myself constrained to decline such participation, and to leave the responsibility wholly on those who may assume it.

REMARKS

On the Resolution providing for the safe-keeping of the Public Records, made in the Senate March 26th, 1836.

[In Senate March 25th, 1836. The following resolution submitted yesterday, by Mr. Calhoun, was taken up for consideration.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing proper measures for the safe-keeping of the journals of the two Houses and other public records, and of protecting them by other legal enactments from being mutilated, obliterated, erased, defaced, expunged, disfigured, altered, or otherwise destroyed or injured.]

Mr. Calhoun observed: It had been said that there was

no evil under the sun without a remedy; and that the truth of the remark was very strongly illustrated in the case which occasioned the introduction of this resolution. Unconstitutional and odious as was the attempt that had been made to expunge the recorded proceedings of this body, it had caused its attention to be turned to the unprotected state of the public records. He had entered into a diligent examination of the laws, to see if there were any legal enactments for the protection of the public journals, and had found that, with a slight exception in one unimportant particular, there was nothing to protect them from being expunged, obliterated, defaced or destroyed. This was a state of things which he presumed no Senator would wish to continue. As it now was, any individual, whether the public records were in his custody or not, might deface or destroy them—however important to the country—with impunity. A leaf might be torn out, or the record might be disfigured or defaced, and no punishment would follow. Setting aside the constitutional injunction to preserve a correct journal of the proceedings of the two Houses, the importance of some law of the kind must be evident. These public records were the only authentic accounts of the history of this Government in all its branches —legislative, judicial and executive. If to this it be added, that they involve the important interests of individuals, there was the most powerful obligation on both Houses of Congress to preserve them from injury, and to keep them. Yes, sir, said he, to *keep* them; for, in spite of the sophistry used to obscure the meaning of the word, to *keep* them means to preserve them from injury. There was no word in the English language less susceptible of doubtful construction, than the word "keep." It implied, not only to record their proceedings in their journals, but to preserve them. It would be in vain that the constitution required them to record their proceedings, if it did not also require them to protect and preserve them from injury. Was the injunction in the constitution merely for the childish purpose

that they should record their proceedings that they might be afterwards thrown away, or obliterated, defaced or disfigured ? No—it was that they might go down to the latest posterity, as a faithful and authentic history of the times. These meanings of the word "keep," as used in the constitution,—to record, to preserve, to protect,—were enforced on them by the sacred obligation of an oath. He knew that this obligation could not prevent the Senate from passing the resolution which had given rise to his motion ; but the Senate could not perform the act of obliteration—it must be performed by some individual under their order ; and if they passed an act making it penal to deface, destroy, or obliterate the journals, the individual who did it would be subject to its penalties. Sir, said Mr. C., we can give no dispensation to any one to violate the constitution. If he had given the true construction to the word "*keep*," no order of this body, in any shape or form, could exempt the Secretary from the sacred obligations of his oath ; and if the order should be given to him to deface or obliterate the journals, he would have to turn his eyes to the constitution, which he has sworn not to violate. He thought that no Secretary of the body would ever dare to violate his oath, and the obligations imposed by the constitution, by obliterating or defacing the public records. He had but little fear for the present Secretary ; but he knew not who might fill the office hereafter—and who, influenced by the force of party discipline, might be willing to plead the order of a majority of the body, to justify a violation of the constitution.

The framers of the constitution, in putting in the provision that the journals should be kept, foresaw the danger that might threaten their preservation, from party feelings, and intended to provide against it. Now, he wished to go one step further—to sustain the constitution—to make it penal in any one, whether ordered by this body or otherwise, to obliterate or disfigure the public records. It is in vain,

said Mr. C., for us to suppose that we have the slightest property in these journals. They are called, it is true, *our journals ;*—but they are the records of what we do, and are not our property, but the property of the people of the United States. We are sent here, continued Mr. C., among other things, to preserve those precious records of our history from being obliterated, disfigured, or destroyed ; and we have no more property in them than we have in the records of the other House. Does it make it a less heinous offence in us, asked Mr. C., to destroy these records, because we are their guardians ? On the contrary, the crime would be greater ; because they were intrusted to our guardianship. As well might the guardian waste or destroy the property of his ward, under the plea of his guardianship. In every view he could take of the subject, whether in regard to the injunctions of the constitution, the obligations of their oaths, or the importance of preserving in their utmost purity, the authentic originals of the history of the country—there seemed to be an imperious obligation on them to provide such legal enactments for the protection and preservation, not only of the journals of the two Houses of Congress, but also of the other public records, as, he regretted to say, were not now to be found on the statute book. It was with these views he had submitted his resolution ; and he hoped the committee would give to it its most serious consideration.

[Here Mr. Niles made a few remarks in opposition, declaring he could not perceive why, if the constitution required the two Houses to keep journals of their proceedings, any legal enactments should be necessary. To violate the constitution was an offence, a crime, on general principles—on the principles of the common law.]

Mr. Calhoun said : In reply to the Senator from Connecticut, it is only necessary to state, that it has been long since established, that the common law forms no part of the laws of the Union. In reply to another part of the Senator's

argument, he would observe that there were other persons, into whose possession the journals might fall, who could injure or deface them without incurring any punishment. They saw the force of party discipline, and how the judgment was warped by party feeling. Attempts had been made by the most respectable men, and by the legislatures of some of the States, acting under the force of party, to mutilate the journal;—showing to what an extent party feeling might be carried, and the necessity of guarding against it. The act of mutilation could not be performed by twenty-five persons—the majority of the Senate; it must be performed by one single person, under the order of the majority, and he would answer for it, if they would pass a law making it penal to mutilate the public records, no person would be found to plead the order of the Senate in justification of such an act. My object, said Mr. C., is to pass a law containing guards and checks against ourselves—to prevent us, under the influence of party feelings, from tampering with records of so sacred a character. The Committee on the Judiciary were all legal men, and by giving their attention to the subject, they would, no doubt, see how necessary it was that some legal enactments should be framed, which should effectually sustain the particular provision in the constitution in question.

[Mr. Shepley of Maine here rose and objected to the motion, chiefly on the ground that its object was, indirectly, to withdraw the attention of the Senate from the resolution of the Senator from Missouri (Mr. Benton), now pending, to expunge a record now on the journals of the Senate, to strike a side-blow at the said resolution. He was followed by Mr. Benton, in his usual strain;—when Mr. Clayton of Delaware took the floor, and spoke for some time, in reply to the imputations of Mr. Benton. On his taking his seat, Mr. Calhoun resumed.]

This proposition, as had been well remarked by the Sen-

ator from Delaware, was totally dissimilar to the resolution introduced by the Senator from Missouri. It proposed an examination, by the Committee on the Judiciary, into the expediency, not only of protecting the journals of the Senate, but all other public records ; and it was designed to protect them, not only against the action of this body, but against the action of all persons whatsoever. As it was, any stranger might deface or obliterate the public records with perfect impunity. It was true, that the movement of the Senator from Missouri was the occasion of his offering this resolution ; but this was no reason why the deficiency he had alluded to, should not now be supplied. He wished to call the attention of the Senate and the public to the subject. He had no idea that this resolution could arrest the one offered by the Senator from Missouri, which must come up long before it. His object was a general one, and applied to all the public records, as well as to the journals of the Senate. He had no reference to the resolution of the Senator from Missouri, in offering his ; but, at the same time, he must say, that he had no idea the Senate had the slightest authority to mutilate the journals ; which belonged, not to them, but to the people of the United States.

[After some further remarks from Messrs. Walker of Mississippi, and Ewing of Ohio, Mr. Shepley moved to lay the resolution on the table, which was carried—yeas, 19 ; nays, 15.]

SPEECH

On the motion of Mr. Porter, of Louisiana, to recommit the Bill to establish the northern boundary of of Ohio, and for the admission of Michigan into the Union, delivered in the Senate, April 2d, 1836.

[The bill to establish the northern boundary of Ohio, and for the admission of Michigan into the Union, came up in the Senate on its third reading.

Mr. Porter moved to recommit the bill for the purpose of amending it, on the subject of the right of suffrage, and more effectually to secure the rights of the United States to the public lands within the new State.

On this motion a debate ensued, in which it was supported by Messrs. Porter, Calhoun, Crittenden, Black, Clay, White, Mangum and Clayton, and opposed by Messrs. Walker, Wright, and Benton; and Mr. Preston, though in favor of the recommitment, opposed the principle of interfering with the right of the new State to settle the qualification of its voters. During this debate, Mr. Calhoun said :]

I regret that my colleague has thought proper to raise the question, whether a State has a right to make an alien a citizen of the State. The question is one of great magnitude —presented for the first time—and claiming a more full and deliberate consideration, than can be bestowed on it now. It is not necessarily involved in the present question. The point now at issue is, not whether a State or territory has a right to make an alien a citizen ; but whether Congress has a right to prescribe the qualifications of the voters for members of the convention to form a constitution, preparatory to the admission of a territory into the Union. I presume, that even my colleague will not deny that Congress has the right. The constitution confers on Congress the power to

govern the territories; and, of course, to prescribe the qualifications of voters within them—without any restriction—unless, indeed, such as the ordinance and the constitution may enforce—a power that expires only when a territory becomes a State. The practice of the Government has been in conformity with these views; and there is not an instance of the admission of a territory into the Union, in which Congress has not prescribed the qualifications of the voters for members of the convention to form a constitution for the government of the State, on its admission. The power which Congress has thus invariably exercised, we claim to exercise on the present occasion—by prescribing who shall be the voters to form the constitution for the government of Michigan, when admitted into the Union. Michigan is not yet a State. Her constitution is not yet formed. It is, at best, but in an incipient state—which can only be consummated by complying with the conditions which we may prescribe for her admission. A convention is to be called, under this bill, to agree to these conditions. On motion of the Senator from New-York (Mr. Wright) a provision was introduced into the bill, giving the right to the people of the territory at large—without limitation, or restriction, as to age, sex, color, or citizenship—to vote for the members of the convention. The Senator from Kentucky (Mr. Clay), while the amendment of the Senator from New-York was pending, moved to amend the amendment by striking out people, and inserting free white male citizens of twenty-one years of age—thus restricting the voters to the free white citizens of the United States, in conformity with what has been usual on such occasions.

Believing that Congress had the unquestionable right to prescribe the qualifications of voters, as proposed by the Senator from Kentucky, and that the exercise of such right does not involve, in any degree, the question whether a State has a right to confer on an alien the rights of citizenship, I must repeat the expression of my regret, that my colleague

has felt it to be his duty to raise a question so novel and important, when we have so little leisure for bestowing on it the attention which it deserves. But, since he considers its decision as necessarily involved in the question before us, I feel it to be my duty to state the reasons why I cannot concur with him in opinion.

I do not deem it necessary to follow my colleague and the Senator from Kentucky, in their attempt to define or describe a citizen. Nothing is more difficult than the definition, or even description, of so complex an idea; and hence, all arguments resting on one definition in such cases, almost necessarily lead to uncertainty and doubt. But though we may not be able to say, with precision, what a citizen is, we may say, with the utmost certainty, what he is *not*. *He is not an alien.* Alien and citizen are correlative terms, and stand in contradistinction to each other. They, of course, cannot coexist. They are, in fact, so opposite in their nature, that we conceive of the one but in contradistinction to the other. Thus far, all must be agreed. My next step is not less certain.

The constitution confers on Congress the authority to pass uniform laws of naturalization. This will not be questioned; nor will it be, that the effect of *naturalization is to remove alienage.* I am not certain that the word is a legitimate one.

[Mr. Preston said, in a low tone, it was.]

My colleague says it is. His authority is high on such questions; and with it, I feel myself at liberty to use the word. To remove alienage, is simply to put the foreigner in the condition of a native born. To this extent the act of naturalization goes, and no further.

The next position I assume is no less certain: that, when Congress has exercised its authority by passing a uniform law of naturalization (as it has), it excludes the right

of exercising a similar authority on the part of the State. To suppose that the States could pass naturalization acts of their own, after Congress had passed an uniform law of naturalization, would be to make the provision of the constitution nugatory. I do not deem it necessary to dwell on this point, as I understood my colleague as acquiescing in its correctness.

I am now prepared to decide the question which my colleague has raised. I have shown that a citizen is not an alien, and that alienage is an insuperable barrier, till removed, to citizenship; and that it can only be removed by complying with the act of Congress. It follows, of course, that a State cannot, of its own authority, make an alien a citizen without such compliance. To suppose it can, involves, in my opinion, a confusion of ideas, which must lead to innumerable absurdities and contradictions. I propose to notice but a few. In fact, the discussion has come on so unexpectedly, and has been urged on so precipitately, through the force of party discipline, that little leisure has been afforded to trace to their consequences the many novel and dangerous principles involved in the bill. I, in particular, have not had due time for reflection, which I exceedingly regret. Attendance on the sick bed of a friend drew off my attention till yesterday; when, for the first time, I turned my thoughts on its provisions. The numerous objections which it presented, and the many and important amendments which were moved to correct them, in rapid succession, until a late hour of the night, allowed but little time for reflection. Seeing that the majority had predetermined to pass the bill, with all its faults, I retired, when I found my presence could no longer be of any service, and remained ignorant that the Senate had rescinded the order to adjourn over till Monday, until a short time before its meeting this morning: so that I came here wholly unprepared to discuss this and the other important questions

involved in the bill. Under such circumstances, it must not be supposed that, in pointing out the few instances of what appear to me the absurdities and contradictions necessarily resulting from the principle against which I contend, there are not many others, equally striking. I but suggest those which first occurred to me.

Whatever difference of opinion there may be as to what other rights appertain to a citizen, all must at least agree, that he has the right to petition, and also to claim the protection of his Government. These belong to him as a member of the body politic,—and the possession of them, is what separates citizens of the lowest condition from aliens and slaves. To suppose, that a State can make an alien a citizen of the State—or, to present the question more specifically, can confer on him the right of voting, would involve the absurdity of giving him a direct and immediate control over the action of the General Government, from which he has no right to claim the protection, and to which he has no right to present a petition. That the full force of the absurdity may be felt, it must be borne in mind, that every department of the General Government is either directly or indirectly under the control of the voters in the several States. The constitution wisely provides, that the voters for the most numerous branch of the legislatures in the several States, shall vote for the members of the House of Representatives,—and, as the members of this body are chosen by the legislatures of the States, and the Presidential electors either by the legislatures, or voters in the several States, it follows, as I have stated, that the action of the General Government is either directly or indirectly under the control of the voters in the several States. Now, admit, that a State may confer the right of voting on all aliens, and it will follow as a necessary consequence, that we might have among our constituents, persons who have not the right to claim the protection of the Government, or to present a petition to it. I would ask my colleague, if he would willingly

bear the relation of representative to those, who could not claim his aid, as Senator, to protect them from oppression, or to present a petition through him to the Senate, praying for a redress of grievance ?—and yet such might be his condition on the principle for which he contends.

But a still greater difficulty remains. Suppose a war should be declared between the United States and the country to which the alien belongs—suppose, for instance, that South Carolina should confer the right of voting on alien subjects of Great Britain residing within her limits, and that war should be declared between the two countries ; what, in such event, would be the condition of that portion of our voters ? They, as alien enemies, would be liable to be seized under the laws of Congress, and to have their goods confiscated and themselves imprisoned, or sent out of the country. The principle that leads to such consequences cannot be true ; and I venture nothing in asserting, that Carolina, at least, will never give it her sanction, or consent to act on it. She never will assent to incorporate, as members of her body politic, those who might be placed in so degraded a condition and so completely under the control of the General Government.

But let us pass from these (as it appears to me conclusive) views, and inquire what were the objects of the constitution in conferring on Congress the authority of passing uniform laws of naturalization—from which, if I mistake not, arguments not less conclusive may be drawn, in support of the position for which I contend.

In conferring this power the framers of the constitution must have had two objects in view : one to prevent competition between the States in holding out inducements for the emigration of foreigners,—and the other to prevent their improper influence over the General Government, through such States as might naturalize foreigners, and could confer on them the right of exercising the elective franchise, before they could be sufficiently informed of the nature of our institu-

tions, or were interested in their preservation. Both of these objects would be defeated, if the States may confer on aliens the right of voting and the other privileges belonging to citizens. On that supposition, it would be almost impossible to conceive what good could be obtained, or evil prevented by conferring the power on Congress. The power would be perfectly nugatory. A State might hold out every improper inducement to emigration, as freely as if the power did not exist; and might confer on the alien all the political privileges belonging to a native born citizen;—not only to the great injury of the Government of the State, but to an improper control over the Government of the Union. To illustrate what I have said,—suppose the dominant party in New-York, finding political power about to depart from them, should, to maintain their ascendency, extend the right of suffrage to the thousands of aliens of every language and from every portion of the world, that annually pour into her great emporium—how dee ly might the destiny of the whole Union be affected by such a measure. It might, in fact, place the control over the General Government in the hands of those who know nothing of our institutions and are indifferent as to the interests of the country. New-York gives about one-sixth of the electoral votes in the choice of President and Vice-President; and it is well known that her political institutions keep the State nearly equally divided into two great political parties. The addition of a few thousand votes either way might turn the scale, and the electors might, in fact, owe their election, on the supposition, to the votes of unnaturalized foreigners. The Presidential election might depend on the electoral vote of the State, and a President be chosen in reality by them; that is, they might give us a king—for, under the usurpations of the present Chief Magistrate, the President is in fact a king. I ask my colleague if we ought willingly to yield our assent to a principle that would lead to such results—and if there be any danger on

the side for which I contend, comparable to those which I have stated? I know how sincere he is in the truth of the position for which he contends, and that his opinion was founded anterior to this discussion. We have rarely differed in our views on the questions which have come before the Senate; and I deeply regret, as I am sure he does, that we should differ on this highly important subject.

My colleague cites, in support of his position, the example of Vermont, North Carolina, and, if I recollect rightly, Rhode Island—under whose constitutions aliens, it seems, may vote. It is a sufficient answer to say, that their constitutions were adopted before the existence of the General Government, and that the provisions which permitted aliens to vote constituted a portion of their constitutions when they came into the Union. North Carolina has since amended hers, and limited the right of voting to citizens. If Vermont and Rhode Island have not done the same, it must be attributed to that *vis inertia* which indisposes most States to alter their constitutions, or to accidental omission. But we have the authority of the Senator from North Carolina (Mr. Mangum), and also the Senator from Vermont (Mr. Prentiss), that under the decision of the courts of the respective States, their constitutions have been so construed, since they entered the Union, as to confine the right of voting and holding lands to citizens of the States, so as to conform to the principle for which I contend. To cite a case in point, my colleague ought to show that, under the constitution of any State, formed since the adoption of the constitution of the Union, the right of voting has been conferred on an alien. There is not, I believe, an example of the kind;—from which I infer the deep and universal conviction which has pervaded the public mind, that a State has no authority to confer such right; and thus the very example cited by my colleague, serves but to strengthen instead of refuting the position which I seek to maintain.

My colleague also cites the example of Louisiana, which was admitted into the Union without requiring the inhabitants, at the time, to conform to the act of naturalization. I must think the instance is not in point. That was a case of the incorporation of a foreign community, which had been acquired by treaty, as a member of our confederacy. At the time of the acquisition, they were subjects of France, and owed their allegiance to that government. The treaty transferred their allegiance to the United States; and the difficulty of incorporating Louisiana into the Union, arose, not under the act of naturalization, but the right of acquiring foreign possession by purchase, and the right of incorporating such possessions into the Union. These were felt, at the time, to be questions of great difficulty. Mr. Jefferson himself, under whose administration the purchase was made, doubted the right, and suggested the necessity of an alteration of the constitution to meet the case; and if the example of the admission is now to be used to establish the principle that a State may confer citizenship on an alien, we may all live to regret that the constitution was not amended according to the suggestion. My colleague insists that, to deny the right for which he contends, would be to confer on Congress the right of prescribing who should or should not be entitled to vote in the State, and exercise the other privileges belonging to citizens; and portrayed in strong language the danger to the rights of the States from such authority. If his views are correct in this respect, the danger would, indeed, be imminent; but I cannot concur in their correctness. Under the view which I have taken, the authority of Congress is limited to the simple point of passing uniform laws of naturalization, or, as I have shown, simply to remove alienage. To this extent it may clearly go, under the constitution; and it is no less clear that it cannot go an inch beyond, without palpably transcending its powers, and violating the constitution. Every other privilege except

those which necessarily flow from the removal of alienage, must be conferred by the constitution and the authority of the State. My remarks are, of course, confined to the States; for, within the territories, the authority of Congress is as complete, in this respect, as that of the States within their respective limits, with the exception of such limitations as the ordinance to which I have referred may impose.

But, to pass to the question immediately before us. This, as I have stated, does not involve the question whether a State can make an alien a citizen; but whether Congress has a right to prescribe the qualifications to be possessed by those who shall vote for members of a convention to form a constitution for Michigan. Reason and precedent concur, that Congress has the right. It has, as I have stated, been exercised in every similar case. If the right does not exist in Congress, it exists nowhere. A territory, until it becomes a State, is a dependent community, and possesses no political rights but what are derived from the community on which it depends. Who shall or shall not exercise political power? and what shall be the qualifications possessed by them? and how they shall be appointed? are all questions to be determined by the paramount community; and in the case under consideration, to be determined by Congress, which has the right, under the constitution, to prescribe all necessary rules for the government of the territories, not inconsistent with the provisions of the constitution. This very bill, in fact, admits the right. It prescribes that the people of Michigan shall vote for the convention to form her constitution, on becoming a State. If it belongs to the territory of Michigan (she is not yet a State) to determine who shall vote for the members of the convention, this attempt on our part to designate who shall be the voters, would be an unconstitutional interference with her right, and ought to be objected to, as such, by those opposed to our views. But if,

on the other hand, the view I take be correct, that the right belongs to Congress, and not to the territory, the loose, vague, and indefinite manner in which the voters are described in the bill, affords a decisive reason for its recommitment. I ask, who are the people of Michigan? Taken in the ordinary sense, it means every body, of every age, of every sex, of every complexion, white, black, or red, aliens as well as citizens. Regarded in this light, to pass this bill, would sanction the principle that Congress may authorize an alien to vote, or confer that high privilege on the runaway slaves from Kentucky, Virginia, or elsewhere; and thus elevate them to the condition of citizens, enjoying under the constitution all the rights and privileges in the States of the Union which appertain to citizenship. But my colleague says that this must be acquiesced in, if such should be the case, as it results from the principles of the constitution. I know we are bound to submit to whatever are the provisions of that instrument; but surely my colleague will agree with me, that the danger of such a precedent would be great; that the principles on which it is justified ought to be clear and free from all doubt; and I trust I have, at least, shown that such is not the fact in this case.

But, we are told, that the people of Michigan means, in this case, the qualified voters. Why, then, was it not so expressed? Why was vague and general language used, when more certain and precise terms might have been employed? But, I would ask, who are the qualified voters? Are they those authorized to vote under the existing laws established for the government of the territory? or are they those who, under the instrument called the constitution, are authorized to vote? Why leave so essential a point in so uncertain a condition, when we have the power to remove the uncertainty? If it be meant by the people of Michigan, the qualified voters under her incipient constitution (as stated

by the Senator from New-York), then are we sanctioning the right of aliens to vote. Michigan has attempted to confer this right on that portion of her inhabitants. She has no authority to confer such right under the constitution. I have conclusively shown that a State does not possess it—much less a Territory, which possesses no power except such as is conferred by Congress. Congress has conferred no such power on Michigan—nor, indeed, could confer it—as it has no authority, under the constitution, over the subject, except to pass uniform laws of naturalization.

But this is only one of the many objections to the bill before us; and I regret to say, that the friends of the measure have not even attempted to explain the many, and, to my mind, decided objections which have been urged against it. Among others, it leaves open the question of the public lands—to be settled hereafter between Congress and the State, contrary to all past precedents, and at the imminent danger, ultimately, of our rights to the lands within her limits. This is the more remarkable, as an opposite course, I understand, has been adopted in the bill for the admission of Arkansas.

What has caused the distinction? Why has one measure been meted out to the one, and another to the other?

Here let me express my regret that this Bill for the admission of Michigan has been furthered so far ahead of that for the admission of Arkansas. They ought to have progressed together, and both been sent to the House of Representatives at the same time. We all remember the difficulty of admitting Missouri, and ought to be admonished by the example, to use all possible precaution that a similar difficulty may not occur in the instance of Arkansas.

But, I again ask, why not at once settle the question of the public lands in Michigan, as has invariably been done on the admission of other territories? What must be the effect of leaving it open, but to throw the State into the

hands of the dominant party, at this critical moment, when the Presidential election is pending? It is a misfortune that the power and influence of the Executive over the new States are so great. Through the medium of the public lands they are ramified in every direction, accompanied by that corruption and subserviency, which are their never failing companions. It is our duty to check, instead of increasing this evil;—but, instead of this, we seem to seek every opportunity of increasing its impulse. In the present case, we have placed Michigan in a position calculated to give almost unlimited control to executive influence, as the final arrangement in respect to the public lands (a question of such deep importance to her) must mainly depend on that branch of the Government. Not satisfied with this, we have divested ourselves of the right to determine whether Michigan shall comply with the condition which we are about to prescribe for her admission, and to confer it on the President, with the corresponding diminution of our influence and the increase of his over the State. In our eagerness to divest the Senate of its power, we propose to go still further. In direct violation of an express provision of the constitution, which confers on this body the right to judge of the qualifications of its members, this bill provides for the creation of two Senators by law, the first instance of the kind ever attempted since the commencement of the Government.

Such are the leading objections to the bill. There are others of no inconsiderable magnitude. I have never read one, containing more objectionable provisions, submitted to the consideration of Congress. And yet it has been urged with as much precipitancy through the body, as if its provisions were in accordance with those which are usual on such occasions. A trained and despotic majority have resisted every attempt at amendment, and every effort to gain time to reflect on the extraordinary and dangerous provisions

which it contains. If there were any reason for this urgency, I would be the last to complain ; but none has been assigned, or can be imagined. We all agree that Michigan should be admitted, and are anxious for the admission. I, individually, feel solicitous that the bill should be so modified that I can reconcile it to my conscience and views of expediency to vote for it. For this purpose, I only ask that it shall be put in the usual form ; and that the numerous precedents which we have, shall not be departed from. But the majority, as if anxious to force a division, seem obstinately bent on refusing compliance to so reasonable a request.

SPEECH

On the Bill to prohibit Deputy-Postmasters from receiving and transmitting through the Mail, to any State, Territory, or District, certain Papers therein mentioned, the circulation of which is prohibited by the Laws of said State, Territory, or District; delivered in the Senate, April 12, 1836.

I AM aware, said Mr. Calhoun, how offensive it is to speak of one's self; but as the Senator from Georgia on my right (Mr. King) has thought fit to impute to me improper motives, I feel myself compelled in self-defence to state the reasons which have governed my course in reference to the subject now under consideration. The Senator is greatly mistaken in supposing that I am governed by hostility to General Jackson. So far is that from being the fact, that I came here at the commencement of the session with fixed and settled principles on the subject now under discussion, and

which, in pursuing the course the Senator condemns, I have but attempted to carry into effect.

As soon as the subject of abolition began to agitate the South, last summer, in consequence of the transmission of incendiary publications through the mail, I saw at once that it would force itself on the notice of Congress at the present session; and that it involved questions of great delicacy and difficulty. I immediately turned my attention in consequence to the subject, and after due reflection arrived at the conclusion, that Congress could exercise no direct power over it; and that, if it acted at all, the only mode in which it could act, consistently with the constitution and the rights and safety of the slaveholding States, would be in the manner proposed by this bill. I also saw that there was no inconsiderable danger in the excited state of the feelings of the South; that the power, however dangerous and unconstitutional, might be thoughtlessly yielded to Congress—knowing full well how apt the weak and timid are, in a state of excitement and alarm, to seek temporary protection in any quarter, regardless of after consequences; and how ready the artful and designing ever are to seize on such occasions to extend and perpetuate their power.

With these impressions I arrived here at the beginning of the session. The President's Message was not calculated to remove my apprehensions. He assumed for Congress direct power over the subject, and that on the broadest, most unqualified, and dangerous principles. Knowing the influence of his name—by reason of his great patronage and the rigid discipline of his party—with a large portion of the country, who have scarcely any other standard of constitution, politics, or morals, I saw the full extent of the danger of having these dangerous principles reduced to practice, and I determined at once to use every effort to prevent it. The Senator from Georgia will, of course, understand that I do not include him in this subservient portion of his party. So far from it.

I have always considered him as one of the most independent. It has been our fortune to concur in opinion in relation to most of the important measures which have been agitated since he became a member of this body, two years ago, at the commencement of the session during which the deposit question was agitated. On that important question, if I mistake not, the Senator and myself concurred in opinion, at least as to its inexpediency, and the dangerous consequences to which it would probably lead. If my memory serves me well, we also agreed in opinion on the connected subject of the currency, which was then incidentally discussed We agreed, too, on the question of raising the value of gold to its present standard, and in opposition to the bill for the distribution of the proceeds of the public lands, introduced by the Senator from Kentucky (Mr. Clay). In recurring to the events of that interesting session, I can remember but one important subject on which we disagreed, and that was the President's protest. Passing to the next, I find the same concurrence of opinion on most of the important subjects of the session. We agreed on the question of executive patronage—on the propriety of amending the constitution for a temporary distribution of the surplus revenue—on the subject of regulating the deposits—and in support of the bill for restricting the power of the Executive in making removals from office. We also agreed on the propriety of establishing branch mints in the South and West—a subject not a little contested at the time.

Even at the present session we have not been so unfortunate as to disagree entirely. We have, it is true, on the question of receiving abolition petitions, which I regret, as I must consider their reception, on the principle on which they were received, as a surrender of the whole ground to the abolitionists, as far as this Government is concerned. It is also true, that we disagreed, in part, in reference to the present subject. The Senator has divided, in relation to it,

between myself and General Jackson. He has given his speech in support of his Message, and announced the intention of giving his vote in favor of my bill. I certainly have no right to complain of this division. I had rather have his vote than his speech. The one will stand for ever on the records of the Senate (*unless expunged*) in favor of the bill, and the important principles on which it rests—while the other is destined, at no distant day, to oblivion.

I now put to the Senator from Georgia two short questions. In the numerous and important instances in which we have agreed, I must have been either right or wrong. If right, how could he be so uncharitable as to attribute my course to the low and unworthy motive of inveterate hostility to General Jackson? But if wrong, in what condition does his charge against me place himself, who has concurred with me in all these measures?

[Here Mr. King disclaimed the imputation of improper motives to Mr. C.]

I am glad to hear the gentleman's disclaimer, said Mr. C., but I certainly understood him as asserting, that such was my hostility to General Jackson, that his support of a measure was sufficient to insure my opposition; and this he undertook to illustrate by an anecdote borrowed from O'Connell and the pig, which I must tell the Senator was much better suited to the Irish mob to which it was originally addressed, than to the dignity of the Senate, where he has repeated it.

But to return from this long digression. I saw, as I have remarked, there was reason to apprehend that the principles embraced in the Message might be reduced to practice—principles which I believed to be dangerous to the South, and subversive of the liberty of the press. The report fully states what those principles are, but it may not be useless to refer to them briefly on the present occasion.

The Message assumed for Congress the right of determining what publications are incendiary and calculated to excite

the slaves to insurrection, and of prohibiting the transmission of such publications through the mail; and, of course, it also assumed the right of deciding what are not incendiary, and of enforcing the transmission of such through the mail. But the Senator from Georgia denies this inference, and treats it as a monstrous absurdity. I had, said Mr. C., considered it so nearly intuitive, that I had not supposed it necessary in the report to add any thing in illustration of its truth; but as it has been contested by the Senator, I will add, in illustration, a single remark.

The Senator will not deny that the right of determining what papers are incendiary and of preventing their circulation, implies that Congress has jurisdiction over the subject; that is, of discriminating as to what papers ought or ought not to be transmitted by the mail. Nor will he deny that Congress has a right, when acting within its acknowledged jurisdiction, to enforce the execution of its acts; and yet the admission of these unquestionable truths involves the consequence asserted by the report, and so sneered at by the Senator. But lest he should controvert so plain a deduction,—to cut the matter short, I shall propound a plain question to him. He believes that Congress has the right to say what papers are incendiary, and to prohibit their circulation. Now, I ask him if he does not also believe that it has the right to enforce the circulation of such as it may determine not to be incendiary, even against the law of Georgia that might prohibit their circulation? If the Senator should answer in the affirmative, I then would prove, by his admission, the truth of the inference for which I contend, and which he has pronounced to be so absurd: but if he should answer in the negative, and deny that Congress can enforce the circulation against the law of the State, I must tell him he would place himself in the neighborhood of nullification. He would in fact go beyond. The denial would assume the right of nullifying what the Senator him-

self must, with his views, consider a constitutional act—when nullification only assumes the right of a State to nullify an unconstitutional act.

But the principle of the Message goes still further. It assumes for Congress jurisdiction over the liberty of the press. The framers of the constitution (or rather those jealous patriots who refused to consent to its adoption without amendments to guard against the abuse of power) have, by the first amended article, provided that Congress shall pass no law abridging the liberty of the press—with the view of placing the press beyond the control of Congressional legislation. But this cautious foresight would prove to be vain, if we should concede to Congress the power which the President assumes of discriminating, in reference to character, what publications shall not be transmitted by the mail. It would place in the hands of the General Government an instrument more potent to control the freedom of the press than the Sedition Law itself, as is fully established in the report.

Thus regarding the Message, the question which presented itself on its first perusal was, how to prevent powers so dangerous and unconstitutional from being carried into practice? To permit the portion of the Message relating to the subject under consideration to take its regular course, and be referred to the Committee on Post-Offices and Post Roads, would, I saw, be the most certain way to defeat what I had in view. I could not doubt, from the composition of the committee, that the report would coincide with the Message; and that it would be drawn up with all that tact, ingenuity, and address, for which the Chairman of the Committee and the head of the post-office department are not a little distinguished. With this impression, I could not but apprehend that the authority of the President, backed by such a report, would go far to rivet in the public mind the dangerous principles which it was my design to defeat, and which could only be effected by referring the portion of

the Message in question to a select committee, by which the subject might be thoroughly investigated, and the result presented in a report. With this view I moved the committee, and the bill and report which the Senator has attacked so violently are the result.

These are the reasons which governed me in the course I took, and not the base and unworthy motive of hostility to General Jackson. I appeal with confidence to my life to prove, that neither hostility nor attachment to any man or any party, can influence me in the discharge of my public duties ;—but were I capable of being influenced by such motives, I must tell the Senator from Georgia, that I have too little regard for the opinion of General Jackson, and, were it not for his high station, I would add, his character too, to permit his course to influence me in the slightest degree, either for or against any measure.

Having now assigned the motives which governed me, it is with satisfaction I add that I have a fair prospect of success. So entirely are the principles of the Message abandoned, that not a friend of the President has ventured, and I hazard nothing in saying will venture, to assert them practically, whatever they may venture to do in argument. They will know now that, since the subject has been investigated, a bill to carry into effect the recommendation of the Message would receive no support even from the ranks of the Administration, devoted as they are to their chieftain.

The Senator from Georgia made other objections to the report beside those which I have thus incidentally noticed, to which I do not deem it necessary to reply. I am content with his vote, and cheerfully leave the report and his speech to abide their fate, with a brief notice of a single objection.

The Senator charges me with, what he considers, a strange and unaccountable contradiction. He says that the freedom of the press, and the right of petition, are both secured by the same article of the constitution, and both stand on the

same principle ; yet I who decidedly opposed the receiving of abolition petitions, now as decidedly support the liberty of the press. To make out the contradiction, he assumes that the constitution places the right of petitioners to have their petitions received, and the liberty of the press on the same ground. I do not deem it necessary to show that, in this, he is entirely mistaken, and that my course on both occasions is perfectly consistent. I take the Senator at his word, and put to him a question for *his decision.* If, in opposing the reception of the abolition petitions, and advocating the freedom of the press, I have involved myself in a palpable contradiction, how can he escape a similar charge, when his course was the reverse of mine on both occasions ? Does he not see that if mine be contradictory, as he supposes, his too must necessarily be so ? But the Senator forgets his own argument, of which I must remind him, in order to relieve him from the awkward dilemma in which he has placed himself, in his eagerness to fix on me the charge of contradiction. He seems not to recollect that, in his speech on receiving the abolition petitions, he was compelled to abandon the constitution, and to place the right, not on that instrument, as he would now have us believe, but expressly on the ground that the right existed anterior to the constitution, and that we must look for its limits, not to the constitution, but to Magna Charta and the Declaration of Rights.

Having now concluded what I intended to say in reply to the Senator from Georgia, I turn to the objections of the Senator from Massachusetts (Mr. Davis), which were directed, not against the report, but the bill itself. The Senator confined his objections to the principles of the bill, which he pronounces dangerous and unconstitutional. It is my wish to meet his objections fully, fairly, and directly. For this purpose, it will be necessary to have an accurate and clear conception of the principles of the bill, as it is impossible without it to estimate correctly the force either of the objec-

tions or the reply. I am thus constrained to restate what the principles are, at the hazard of being considered somewhat tedious.

The first and leading principle is, that the subject of slavery is under the sole and exclusive control of the States where the institution exists. It belongs to them to determine what may endanger its existence, and when and how it may be defended. In the exercise of this right, they may prohibit the introduction or circulation of any paper or publication, which may, in their opinion, disturb or endanger the institution. Thus far all are agreed. To this extent no one has questioned the right of the States; not even the Senator from Massachusetts in his numerous objections to the bill.

The next and remaining principle of the bill is intimately connected with the preceding; and, in fact, springs directly from it. It assumes that it is the duty of the General Government, in the exercise of its delegated rights, to respect the laws which the slaveholding States may pass in protection of its institutions; or, to express it differently, it is its duty to pass such laws as may be necessary to make it obligatory on its officers and agents to abstain from violating the laws of the States, and to co-operate, as far as it may consistently be done, in their execution. It is against this principle that the objections of the Senator from Massachusetts have been directed, and to which I now proceed to reply.

His first objection is, that the principle is new; by which I understand him to mean, that it never has heretofore been acted on by the Government. The objection presents two questions: is it true, in point of fact? and if so, what weight or force properly belongs to it? If I am not greatly mistaken, it will be found wanting in both particulars; and that, so far from being new, it has been frequently acted on; and that, if it were new, the fact would have little or no force.

If our Government had been in operation for centuries, and had been exposed to the various changes and trials to which political institutions, in a long protracted existence, are exposed in the vicissitudes of events, the objection, under such circumstances, that a principle has never been acted upon, if not decisive, would be exceedingly strong; but when made in reference to our Government, which has been in operation for less than half a century, and which is so complex and novel in its structure, it is very feeble. We all know that new principles are daily developing themselves under our system, with the changing condition of the country, and doubtless will long continue so to do, in the new and trying scenes through which we are destined to pass. It may, I admit, be good reason even with us for caution,—for thorough and careful investigation,—if a principle proposed to be acted upon be new; for I have long since been taught by experience, that whatever is untried is to be received with caution in politics, however plausible. But to go further in this early stage of our political existence, would be to deprive ourselves of means that might be indispensable to meet future dangers and difficulties.

But I take higher grounds in reply to the objection. I deny its truth in point of fact, and assert, that the principle is not new. The report refers to two instances in which it has been acted on, and to which, for the present, I shall confine myself; one in reference to the quarantine laws of the States, and the other more directly connected with the subject of this bill. I propose to make a few remarks in reference to both; beginning with the former, with the view of showing that the principle in both cases is strictly analogous, or rather identical with the present.

The health of the State, like that of the subject of slavery, belongs exclusively to the States. It is reserved and not delegated; and, of course, each State has a right to judge for itself, what may endanger the health of its citizens, what

measures are necessary to prevent it, and when and how such measures are to be carried into effect. Among the causes which may endanger the health of a State, is the introduction of infectious or contagious diseases, through the medium of commerce. The vessel returning with a rich cargo, in exchange for the products of a State, may also come freighted with the seeds of disease and death. To guard against this danger, the States at a very early period adopted quarantine or health laws. These laws, it is obvious, must necessarily interfere with the power of Congress to regulate commerce—a power as expressly given as that to regulate the mail, and, as far as the present question is concerned, every way analogous; and acting accordingly on the principles of this bill, Congress, as far back as the year 1796, passed an act making it the duty of its civil and military officers to abstain from the violation of the health laws of the States, and to co-operate in their execution. This act was modified and repealed by that of 1799, which has since remained unchanged on the statute book.

But the other precedent referred to in the report is still more direct and important. That case, like the present, involved the right of the slaveholding States to adopt such measures as they may think proper, to prevent their domestic institutions from being disturbed or endangered. They may be endangered, not only by introducing and circulating inflammatory publications, calculated to excite insurrection, but also by the introduction of free people of color from abroad, who may come as emissaries, or with opinions and sentiments hostile to the peace and security of those States. The right of a State to pass laws to prevent danger from publications, is not more clear than the right to pass those which may be necessary to guard against this danger. The act of 1803, to which the report refers, as a precedent, recognizes this right to the fullest extent. It was intended to sustain the laws of the States against the introduction of free people

of color from the West India Islands. The Senator from Massachusetts, in his remarks upon this precedent, supposes the law to have been passed under the power given to Congress by the constitution to suppress the slave trade. I have turned to the journals in order to ascertain the facts, and find that the Senator is entirely mistaken. The law was passed on a memorial of the citizens of Wilmington, North Carolina, and originated in the following facts.

After the successful rebellion of the slaves of St. Domingo, and the expulsion of the French power, the government of the other French West India Islands, in order to guard against the danger from the example of St. Domingo, adopted rigid measures to expel their free blacks. In 1803, a brig, having on board five persons of this description who were driven from Guadaloupe, arrived at Wilmington. The alarm which this caused gave birth to the memorial, and the memorial to the act. I learn from the journals, that the subject was fully investigated and discussed in both Houses, and that it passed by a very large majority. The first section of the bill prevents the introduction of any negro, mulatto, or mustee, into any State by the laws of which they are prevented from being introduced, except persons of the description from beyond the Cape of Good Hope, or registered seamen, or natives of the United States. The second section prohibits the entry of vessels having such persons on board, and subjects the vessels to seizure and forfeiture for landing, or attempting to land them contrary to the laws of the States; and the third and last section makes it the duty of the officers of the General Government to co-operate with those of the States in the execution of their laws against their introduction. I consider this precedent to be one of vast importance to the slaveholding States. It not only recognizes the right of these States to pass such laws as they may deem necessary to protect themselves as to the slave population, and the duty of the General Government to respect those

laws, but also the very important right that the States have the authority to exclude the introduction of such persons as may be dangerous to their institutions—a principle of great extent and importance, and applicable to other States as well as slaveholding, and to other persons as well as blacks—and which may hereafter occupy a prominent place in the history of our legislation.

Having now, I trust, fully and successfully replied to the first objection of the Senator from Massachusetts, by showing that it is not true in fact,—and if it were, that it would have little or no force,—I shall now proceed to reply to the second objection, which assumes that the principles for which I contend would, if admitted, transfer the power over the mail from the General Government to the States.

If the objection be well founded, it must prove fatal to the bill. The power over the mail is, beyond all doubt, a delegated power; and whatever would divest the Government of this power, and transfer it to the States, would certainly be a violation of the constitution. But would the principle, if acted on, transfer the power? If admitted to its full extent, its only effect would be to make it the duty of Congress, in the exercise of its power over the mail, to abstain from violating the laws of the State in protection of their slave property, and to co-operate, where it could with propriety, in their execution. Its utmost effect would then be a modification, and not a transfer or destruction of the power; and surely the Senator will not contend that to modify a right amounts either to its transfer or annihilation. He cannot forget that all rights are subject to modifications, and all, from the highest to the lowest, are held under one universal condition—that their possessors should so use them as not to injure others. Nor can he contend that the power of the General Government over the mail is without modification or limitation. He, himself, admits that it is subject to a very important modification, when he concedes that the Gov-

ernment cannot discriminate in reference to the character of the publications to be transmitted by the mail, without violating the first amended article of the constitution, which prohibits Congress from passing laws abridging the liberty of the press. Other modifications of the right might be shown to exist, not less clear nor of much less importance. It might be easily shown, for instance, that the power over the mail is limited to the transmission *of intelligence*,—and that Congress cannot, consistently with the nature and the object of the power, extend it to the ordinary subjects of transportation, without a manifest violation of the constitution, and the assumption of a principle which would give the Government control over the general transportation of the country, both by land and water. But, if it be subject to these modifications, without either annihilating or transferring the power, why should the modification for which I contend, and which, as I shall hereafter prove, rests upon unquestionable principles, have such effect? That it would not in fact, might be shown, if other proof were necessary, by a reference to the practical operation of the principle in the two instances already referred to. In both, the principle which I contend for in relation to the mail, has long been in operation in reference to commerce, without the transfer of the power of Congress to regulate commerce to the States, which the Senator contends would be its effect if applied to the mail. So far otherwise, so little has it affected the power of Congress to regulate the commerce of the country, that few persons comparatively are aware that the principle has been recognized and acted on by the General Government.

I come next, said Mr. Calhoun, to what the Senator seemed to rely upon as his main objection. He stated that the principles asserted in the report were contradicted in the bill, and that the latter undertakes to do, indirectly, what the former asserts that the General Government cannot do at all.

Admit, said Mr. C., the objection to be true in fact, and

what does it prove,—but that the author of the report is a bad logician, and that there is error somewhere ; but without proving that it is in the bill, and that it ought therefore to be rejected, as the Senator contends. If there be error, it may be in the report instead of the bill, and till the Senator can fix it on the latter, he cannot avail himself of the objection. But does the contradiction which he alleges exist ? Let us turn to the principles asserted in the report, and compare them with those of the bill in order to determine this point.

What are the principles which the report maintains ? It asserts that Congress has no right to determine what papers are incendiary, and calculated to excite insurrection, and as such to prohibit their circulation ; but, on the contrary, that it belongs to the States to determine on the character and tendency of such publications, and to adopt such measures as they may think proper to prevent their introduction or circulation. Does the bill deny any of these principles ? Does it not assume them all ? Is it not drawn up on the supposition that the General Government has none of the powers denied by the report, and that the States possess all for which it contends ? How then can it be said that the bill contradicts the report ? But the difficulty, it seems, is, that the General Government would do, through the States under the provisions of the bill, what the report denies that it can do directly ; and this, according to the Senator from Georgia, is so manifest and palpable a contradiction, that he can find no explanation for my conduct but an inveterate hostility to General Jackson, which he is pleased to attribute to me.

I have, I trust, successfully repelled already the imputation, and it now remains to show that the gross and palpable errors which the Senator perceives, exist only in his own imagination ; and that, instead of the cause he supposes, it originates on his part in a dangerous and fundamental mis-

conception of the nature of our political system — particularly of the relation between the States and General Government. Were the States the agents of the General Government, as the objection clearly presupposes, then what he says would be true—and the Government in recognizing the laws of the States would adopt the acts of its agents. But the fact is far otherwise. The General Government and the governments of the States are distinct and independent departments in our complex political system. The States, in passing laws for the protection of their domestic institutions, act in a sphere as independent as the General Government when passing laws in regulation of the mail; and the latter, in abstaining from violating the laws of the States, as provided for in the bill, so far from making the States its agents, but recognizes the rights of the States, and performs, on its part, a corresponding duty. Rights and duties are in their nature reciprocal. The existence of one presupposes that of the other; and the performance of the duty, so far from denying the right, distinctly recognizes its existence. The Senator, for example, next to me (Judge White), has the unquestionable right to the occupation of his chair, and I am of course in duty bound to abstain from violating that right; but would it not be absurd to say, that in performing that duty by abstaining from violating his right, I assumed the right of occupation? Again; suppose the very quiet and peaceable Senator from Maine (Mr. Shepley), who is his next neighbor on the other side, should undertake to oust the Senator from Tennessee, would it not be strange doctrine to contend, that if I were to co-operate with the Senator of Tennessee in maintaining possession of his chair, that it would be an assumption on my part of a right to the chair? And yet this is the identical principle which the Senator from Georgia assumed, in charging a manifest and palpable contradiction between the bill and the report.

But to proceed with the objections of the Senator from Massachusetts. He asserts, and asserts truly, that rights and duties are reciprocal; and that if it be the duty of the General Government to respect the laws of the States, it is, in like manner, the duty of the States to respect those of the General Government. The practice of both has been in conformity with the principle. I have already cited instances of the General Government respecting the laws of the States, and many might be shown of the States respecting those of the General Government.

But the Senator from Massachusetts affirms that the laws of the General Government regulating the mail, and those of the governments of the States prohibiting the introduction and circulation of incendiary publications, may come into conflict—and that in such event the latter must yield to the former; and he rests this assertion on the ground, that the power of the General Government is *expressly delegated* by the constitution. I regard the argument as wholly inconclusive. Why should the mere fact that a power is expressly delegated, give it paramount control over the reserved powers? What possible superiority can the mere fact of delegation give, unless indeed it be supposed to render the right more clear, and, of course, less questionable? Now I deny that it has in this instance any such superiority. Though the power of the General Government over the mail is delegated, it is not more clear and unquestionable than the reserved right of the States over the subject of slavery—a right which neither has nor can be denied. In fact, I might take higher grounds,—if higher grounds were possible,—by showing that the rights of the States are as expressly reserved as those of the General Government are delegated; for in order to place the reserved rights beyond controversy, the tenth amended article of the constitution expressly provides, that all powers not delegated to the United States nor prohibited by it to the States, are reserved to the States or the people; and

as the rights in respect to the subject of slavery are acknowledged by all not to be delegated, they may be fairly considered as expressly reserved under this provision of the constitution.

But while I deny his conclusion, I agree with the Senator that the laws of the States and General Government may come into conflict, and that if they do, one or the other must yield: and the question is, which ought to yield? The question is one of great importance. It involves the whole merit of the controversy, and I must entreat the Senate to give me an attentive hearing while I state my views in relation to it.

In order to determine satisfactorily which ought to yield, it becomes necessary to have a clear and full understanding of the point of difficulty; and for this purpose it is necessary to make a few preliminary remarks.

Properly considered, the reserved and delegated powers can never come into conflict. The fact that a power is delegated, is conclusive that it is not reserved; and that, if not delegated, it is reserved, unless indeed it be prohibited to the States. There is but a single exception; the case of powers of such nature that they may be exercised concurrently by the State and General Government—such as the power of laying taxes, which, though delegated, may also be exercised by the States. In illustration of the truth of the position I have laid down, I might refer to the case now under consideration. Regarded in the abstract, there is not the slightest conflict between the power delegated by the constitution to the General Government to establish post-offices and post-roads, and that reserved to the States over the subject of slavery. How then can there be conflict? It occurs, not between the powers themselves, but the laws respectively passed to carry them into effect. The laws of the State, prohibiting the introduction or circulation of incendiary publications, may come in conflict with the laws of the General Government in relation to the mail; and the

question to be determined is, which, in the event, ought to give way?

I will not pretend to enter into a full and systematic investigation of this highly important question, which involves, as I have said, the merits of the whole controversy. I do not deem it necessary. I propose to lay down a single principle, which I hold to be not only unquestionable, but decisive of the question as far as the present controversy is concerned. My position is, that in deciding which ought to yield, regard must be had to the nature and magnitude of the powers to which the laws respecting it relate. The low must yield to the high; the convenient to the necessary; mere accommodation to safety and security. This is the universal principle which governs in all analogous cases, both in our social and political relations. Wherever the means of enjoying or securing rights come into conflict (rights themselves never can), this universal and fundamental principle is the one which, by the consent of mankind, governs in all such cases. Apply it to the case under consideration, and need I ask which ought to yield? Will any rational being say that the laws of eleven States of this Union, which are necessary to their peace, security and very existence, ought to yield to the laws of the General Government regulating the post-office, which at the best is a mere accommodation and convenience—and this when the Government was formed *by the States* mainly with a view to secure more perfectly their peace and safety? But one answer can be given. All must feel, that it would be improper for the laws of the States, in such case, to yield to those of the General Government, and, of course, that the latter ought to yield to the former. When I say *ought*, I do not mean on the principle of *concession*. I take higher grounds. I mean under the obligation of the *constitution itself*. That instrument does not leave this important question to be decided by mere inference. It contains an express provision which is deci-

sive of the question. I refer to that which invests Congress with the power of passing laws to carry into effect the granted powers, and which expressly restricts its power to laws necessary and *proper* to carry into effect the delegated powers. We here have the limitation on the power of passing laws. They must be necessary and proper. I pass the term *necessary* with the single remark, that whatever may be its true and accurate meaning, it clearly indicates that this important power was sparingly granted by the framers of the constitution. I come to the term *proper ;* and boldly assert, if it has any meaning at all—if it can be said of any law whatever that it is not proper, and that, as such Congress has no constitutional right to pass it, surely it may be said of that which would abrogate, in fact, the laws of nearly half of the States of the Union, and which are conceded to be necessary for their peace and safety. If it be proper for Congress to pass such a law, what law could possibly be improper ? We have heard much of late of State Rights. All parties profess to respect them, as essential to the preservation of our liberty. I do not except the members of the old federal party—that honest, high-minded, patriotic party, though mistaken as to the principles and tendency of the Government. But what, let me ask, would be the value of State Rights, if the laws of Congress in such cases ought not to yield to those of the States ? If they must be considered paramount, whenever they come into conflict with those of the States, without regard to their safety, what possible value can be attached to the rights of the States, and how perfectly unmeaning their reserved powers ? Surrender the principle, and there is not one of the reserved powers which may not be annulled by Congress under the pretext of passing laws to carry into effect the delegated powers.

The Senator from Massachusetts next objects, that if the principles of the bill be admitted, they may be extended to morals and religion. I do not feel bound to admit or deny

the truth of this assertion; but if the Senator will show me a case in which a State has passed laws under its unquestionably reserved powers, in protection of its morality or religion, I would hold it to be the duty of the General Government to respect the laws of the States, in conformity with the principles which I maintain.

His next objection is, that the bill is a manifest violation of the liberty of the press. He has not thought proper to specify wherein the violation consists. Does he mean to say that the laws of the States prohibiting the introduction and circulation of papers calculated to excite insurrection, are in violation of the liberty of the press? Does he mean that the slaveholding States have no right to pass such laws? I cannot suppose such to be his meaning; for I understood him, throughout his remarks, to admit the right of the States—a right which they have always exercised, without restriction or limitation, before and since the adoption of the constitution, without ever having been questioned. But if this be not his meaning, he must mean that this bill, in making it the duty of the officers and agents of the Government to respect the laws of the States, violates the liberty of the press, and thus involves the old misconception, that the States are the agents of this Government, which pervades the whole argument of the Senator, and to which I have already replied.

The Senator next objects, that the bill makes it penal on deputy postmasters to receive the papers and publications which it embraces. I must say, that my friend from Massachusetts (for such I consider him, though we differ in politics) has not expressed himself with his usual accuracy on the present occasion. If he will turn to the provisions of the bill, he will find that the penalty attaches only in cases of knowingly receiving and delivering out the papers and publications in question. All the consequences which the Senator drew from the view which he took of the bill, of

course fall; which relieves me from the necessity of showing that the deputy postmasters will not be compelled to resort to the espionage into letters and packages, in order to exonerate themselves from the penalty of the bill, which he supposed.

The last objection of the Senator is, that under the provisions of the bill, every thing touching on the subject of slavery will be prohibited from passing through the mail. I again must repeat, that the Senator has not expressed himself with sufficient accuracy. The provisions of the bill are limited to the transmission of such papers, in reference to slavery, as are prohibited by the laws of the slaveholding States; that is, by eleven States of the Union—leaving the circulation through the mail without restriction or qualification as to all other papers, and wholly so as to the remaining thirteen States. But the Senator seems to think that even this restriction, as limited as it is, would be a very great inconvenience. It may indeed prove so to the lawless abolitionists, who, without regard to the obligations of the constitution, are attempting to scatter their firebrands throughout the Union. But is their convenience the only thing to be taken into the estimate? Are the peace, security, and safety of the slaveholding States nothing? or are these to be sacrificed for the accommodation of the abolitionists?

I have now replied directly, fully, and, I trust, successfully, to the objections to the bill; and shall close what I intended to say, by a few general and brief remarks.

We have arrived at a new and important point in reference to the abolition question. It is no longer in the hands of quiet and peaceful, but I cannot add, harmless Quakers. It is now under the control of ferocious zealots, blinded by fanaticism, and, in pursuit of their object, regardless of the obligations of religion or morality. They are organized throughout every section of the non-slaveholding States; they have the disposition of almost unlimited funds, and are

in possession of a powerful press, which, for the first time, is enlisted in the cause of abolition, and turned against the domestic institutions, and the peace and security of the South. To guard against the danger in this new and more menacing form, the slaveholding States will be compelled to revise their laws against the introduction and circulation of publications calculated to disturb their peace and endanger their security, and to render them far more full and efficient than they have heretofore been. In this new state of things, the probable conflict between the laws which those States may think proper to adopt, and those of the General Government regulating the mail, becomes far more important than at any former stage of the controversy; and Congress is now called upon to say what part it will take in reference to this deeply interesting subject. We of the slaveholding States ask nothing of the Government, but that it should abstain from violating laws passed within our acknowledged constitutional competency, and conceded to be essential to our peace and security. I am anxious to see how this question will be decided. I am desirous that my constituents should know what they have to expect, either from this Government or from the non-slaveholding States. Much that I have said and done during the session, has been with the view of affording them correct information on this point, in order that they might know to what extent they might rely upon others, and how far they must depend on themselves.

Thus far (I say it with regret) our just hopes have not been realized. The legislatures of the South, backed by the voice of their constituents, expressed through innumerable meetings, have called upon the non-slaveholding States to repress the movements made within the jurisdiction of those States, against their peace and security. Not a step has been taken; not a law has been passed, or even proposed; and I venture to assert that none will be. Not but that there is a favorable dispositions towards us in the North, but I clearly

see the state of political parties there presents insuperable impediments to any legislation on the subject. I rest my opinion on the fact, that the non-slaveholding States, from the elements of their population, are, and will continue to be, divided and distracted by parties of nearly equal strength; and that each will always be ready to seize on every movement of the other which may give them the superiority, without much regard to consequences as affecting their own States, much less of remote and distant sections.

Nor have we been less disappointed as to the proceedings of Congress. Believing that the General Government has no right or authority over the subject of slavery, we had just grounds to hope Congress would refuse all jurisdiction in reference to it, in whatever form it might be presented. The very opposite course has been pursued. Abolition petitions have not only been received in both Houses, but received on the most obnoxious and dangerous of all grounds—*that we are bound to receive them;* that is, to take jurisdiction of the question of slavery whenever the abolitionists may think proper to petition for its abolition, either here or in the States.

Thus far, then, we of the slaveholding States have been grievously disappointed. One question still remains to be decided—that presented by this bill. To refuse to pass this bill would be virtually to co-operate with the abolitionists—would be to make the officers and agents of the post-office department, in effect, their agents and abettors in the circulation of their incendiary publications in violation of the laws of the States. It is your unquestionable duty, as I have demonstrably proved, to abstain from their violation; and by refusing or neglecting to discharge this duty, you would clearly enlist, in the existing controversy, on the side of the abolitionists, against the Southern States. Should such be your decision, by refusing to pass this bill, I shall say to the people of the South, look to yourselves—you have

nothing to hope from others. But I must tell the Senate, be your decision what it may, the South will never abandon the principles of this bill. If you refuse co-operation with our laws, and conflict should ensue between yours and ours, the Southern States will never yield to the superiority of yours. We have a remedy in our hands, which, in such event, we shall not fail to apply. We have high authority for asserting, that, in such cases, "State interposition is the rightful remedy"—a doctrine first announced by Jefferson—adopted by the patriotic and republican State of Kentucky, by a solemn resolution in '98, and finally carried out into successful practice on a recent occasion, ever to be remembered, by the gallant State, which I, in part, have the honor to represent. In this well tested and efficient remedy, sustained by the principles developed in the report, and asserted in this bill, the slaveholding States have an ample protection. Let it be fixed—let it be riveted in every Southern mind, that the laws of the slaveholding States for the protection of their domestic institutions are paramount to the laws of the General Government in regulation of commerce and the mail;—that the latter must yield to the former in the event of conflict; and that if the Government should refuse to yield, the States have a right to interpose, and we are safe. With these principles, nothing but concert would be wanting to bid defiance to the movements of the abolitionists, whether at home or abroad; and to place our domestic institutions, and with them our security and peace, under our own protection, and beyond the reach of danger.

SPEECH

On the Bill to regulate the Deposits of the Public Money, delivered in the Senate, May 28th, 1836.

[After some remarks from Mr. Wright, in explanation, Mr. Calhoun said:]

This bill, which the Senator from New-York proposes to strike out, in order to substitute his amendment, is no stranger to this body. It was reported at the last session by the Select Committee on Executive Patronage, and passed the Senate, after a full and deliberate investigation, by a mixed vote of all parties, of twenty to twelve. As strong as is this presumptive evidence in its favor, I would, notwithstanding, readily surrender the bill, and adopt the amendment of the Senator from New-York, if I did not sincerely believe that it is liable to strong and decisive objections. I seek no lead on this important subject; my sole aim is to aid in applying a remedy to what I honestly believe to be a deep and dangerous disease of the body politic; and I stand prepared to co-operate with any one, be he of what party he may, who may propose a remedy, provided it shall promise to be safe and efficient. I, in particular, am desirous of co-operating with the Senator from New-York, not only because I desire the aid of his distinguished talents, but, still more, of his decisive influence with the powerful party of which he is so distinguished a member, and which now, for good or evil, holds the destinies of the country in its hands. It was in this spirit that I examined the amendment proposed by the Senator; and, I regret to say, after a full investigation, I cannot acquiesce in it, as I feel a deep conviction that it will be neither safe nor efficient. So far from being substantially the same as the bill, as stated by the

Senator, I cannot but regard it as essentially different, both as to objects and means. The objects of the bill are: first, to secure the public interest as far as it is connected with the deposits; and, next, to protect the banks in which they are made against the influence and control of the executive branch of this Government, with a view both to their and the public interest. Compared with the bill, in respect to both, the proposed amendment will be found to favor the banks against the people, and the Executive against the banks. I do not desire the Senate to form their opinion on my authority. I wish them to examine for themselves; and, in order to aid them in the examination, I shall now proceed to state, and briefly illustrate, the several points of difference between the bill and the proposed amendment, taking them in the order in which they stand in the bill.

The first section of the bill provides that the banks shall pay at the rate of two per cent. per annum on the deposits for the use of the public money. This provision is entirely omitted in the amendment, which proposes to give to the banks the use of the money without interest. That the banks ought to pay something for the use of the public money, all must agree, whatever diversity of opinion there may be as to the amount. According to the last return of the treasury department, there was, on the first of this month, $45,000,000 of public money in the thirty-six depository banks, which they are at liberty to use as their own for discount or business, till drawn out for disbursements—an event that may not happen for years. In a word, this vast amount is so much additional banking capital, giving the same, or nearly the same, profit to those institutions as their permanent chartered capital, without rendering any other service to the public than paying away, from time to time, the portion that may be required for the service of the Government. Assuming that the banks realize a profit of six per cent. on these deposits (it cannot be estimated at less), it would give, on the

present amount, nearly three millions of dollars per annum; and on the probable average public deposits of the year, upwards of two millions of dollars; which enormous profit is derived from the public by comparatively few individuals, without any return or charge, except the inconsiderable service of paying out the draughts of the treasury when presented. But it is due to the Senator to acknowledge that his amendment is predicated on the supposition that some disposition must be made of the surplus revenue, which would leave in the banks a sum not greater than would be requisite to meet the current expenditure: a supposition which must necessarily affect, very materially affect, the decision of the question as to the amount of compensation the banks ought to make to the public for the use of its funds. But, let the decision be what it may, the omission in the amendment of any compensation whatever is, in my opinion, wholly indefensible.

The next point of difference relates to transfer warrants. The bill prohibits the use of transfer warrants, except with a view to disbursement—while the amendment leaves them, without regulation, under the sole control of the treasury department. To understand the importance of this difference, it must be borne in mind that the transfer warrants are the lever by which the whole banking operations of the country may be controlled through the deposits. By them the public money may be transferred from one bank to another, or from one State or section of the country to another State or section; and thus one bank may be elevated and another depressed, and a redundant currency created in one State or section, and a deficient in another; and, through such redundancy or deficiency, all the moneyed engagements and business transactions of the whole community may be made dependent on the will of one man. With the present enormous surplus, it is difficult to assign limits to the extent of this power. The Secretary—or the irresponsible agent un-

known to the laws, who, rumor says, has the direction of this immense power (we are permitted to have no certain information), may raise and depress stocks and property of all descriptions at his pleasure, by withdrawing from one place and transferring to another, to the unlimited gain of those who are in the secret, and the certain ruin of those who are not. Such a field of speculation has never before been opened in any country ; a field so great, that the Rothschilds themselves might be tempted to enter it with their immense funds. Nor is the control which it would give over the politics of the country much less unlimited. To the same extent that it may be used to affect the interests and the fortunes of individuals, to the like extent it may be employed as an instrument of political influence and control. I do not intend to assert that it has or will be so employed ; it is not essential at present to inquire how it has been or will be used. It is sufficient for my purpose to show, as I trust I have satisfactorily, that it may be so employed. To guard against the abuse of so dangerous a power, the provision was inserted in the bill to prohibit the use of transfer warrants, except, as stated, for the purpose of disbursement ; the omission of which provision in the amendment is a fatal objection to it of itself, were there no other. But it is far from standing alone : the next point of difference will be found to be not less striking and fatal.

The professed object of both the bill and the amendment is, to place the safe-keeping of the public money under the regulation and control of law, instead of being left, as it now is, at the discretion of the Executive. However strange it may seem, the fact is nevertheless so, that the amendment entirely fails to effect the object which it is its professed aim to accomplish. In order that it may be distinctly seen that what I state is the case, it will be necessary to view the provisions of the bill and the amendment in reference to the deposit separately—as they relate to the banks in which the

public funds are now deposited—and as to those which may hereafter be selected to receive them.

The bill commences with the former, which it adopts as banks of deposit, and prescribes the regulations and conditions on the observance of which they shall continue such; while, at the same time, it puts them beyond the control and influence of the executive department, by placing them under the protection of law so long as they continue faithfully to perform their duty as fiscal agents of the Government. It next authorizes the Secretary of the Treasury to select, under certain circumstances, additional banks of deposit, as the exigency of the public service may require, on which it imposes like regulations and conditions, and places, in like manner, under the protection of law. In all this, the amendment pursues a very different course. It begins with authorizing the Secretary to select the banks of deposit, and limits the regulations and conditions it imposes on such banks; leaving, by an express provision, the present banks wholly under the control of the treasury or the executive department, as they now are, without prescribing any time for the selection of other banks of deposit, or making it the duty of the Secretary so to do. The consequence is obvious. The Secretary may continue the present banks as long as he pleases; and so long as he may choose to continue them, the provisions of the amendment, so far as relates to the deposits, will be a dead letter; and the banks, of course, instead of being under the control of the law, will be—contrary, as I have said, to the professed object both of the bill and amendment—subject exclusively to his will.

The Senator has attempted to explain this difference, but, I must say, very unsatisfactorily. He said that the bill prohibited the selection of other banks; and, as he deemed others to be necessary, at certain important points, in consequence of the present enormous surplus, he inserted the provision authorizing the selection of other banks. The Senator has

not stated the provisions of the bill accurately. So far from not authorizing, it expressly authorizes the selection of other banks where there are now none. But I presume he intended to limit his remarks to places where there are no existing banks of deposit. Thus limited, the fact is as he states; but it by no means explains the extraordinary omission (for such I must consider it) of not extending the regulations to the existing banks, as well as to those hereafter to be selected. If the public service requires additional banks at New-York and other important points, in consequence of the vast sums deposited there (as I readily agree it does); if no disposition is to be made of the surplus, it is certainly a very good reason for enlarging the provisions of the bill, by authorizing the Secretary to select other banks at those points; but it is impossible for me to comprehend how it proves that the regulations which the amendment proposes to impose should be exclusively limited to such newly-selected banks. Nor do I see why the Senator has not observed the same rule, in this case, as that which he adopted in reference to the compensation the banks ought to pay for the use of the public money. He omitted to provide for any compensation, on the ground that his amendment proposed to dispose of all the surplus money, leaving in the possession of the banks a sum barely sufficient to meet the current expenditure, for the use of which he did not consider it right to charge a compensation. On the same principle, it was unnecessary to provide for the selection of additional banks where there are now banks of deposit, as they would be ample if the surplus were disposed of. In this I understood the Senator himself to concur.

But it is not only in the important point of extending the regulations to existing banks of deposit that the bill and the amendment differ. There is a striking difference between them in reference to the authority of Congress over the banks of deposit embraced both in the bill and the amendment. The latter, following the provision in

the charter of the late Bank of the United States, authorizes the Secretary to withdraw the public deposits, and to discontinue the use of any one of the banks whenever, in his opinion, such a bank shall have violated the conditions on which it has been employed, or the public funds are not safe in its vaults, with the simple restriction, that he shall report the fact to Congress. We know, from experience, how slight is the check which this restriction imposes. It not only requires the concurrence of both Houses of Congress to overrule the act of the Secretary, where his power may be improperly exercised, but the act of Congress itself, intended to control such exercise of power, may be overruled by the veto of the President, at whose will the Secretary holds his place; so as to leave the control of the banks virtually under the control of the executive department of the Government. To obviate this, the bill vests the Secretary with the power simply of withdrawing the deposits and suspending the use of the bank as a place of deposit; and provides that, if Congress shall not confirm the removal, the deposits shall be returned to the bank after the termination of the next session of Congress.

The next point of difference is of far less importance, and is only mentioned as tending to illustrate the different character of the bill and the amendment. The former provides that the banks of deposit shall perform the duties of commissioners of loans without compensation, in like manner as it was required of the late Bank of the United States and its branches, under its charter. Among these duties is that of paying the pensioners—a very heavy branch of disbursement, and attended with considerable expense, which will be saved to the Government under the bill, but will be lost if the amendment should prevail.

Another difference remains to be pointed out, relating to the security of the deposits. With so large an amount of public money in their vaults, it is important that the

banks should always be provided with ample means to meet their engagements. With this view, the bill provides that the specie in the vaults of the several banks, and the aggregate of the balance in their favor with other specie-paying banks, shall be equal to one-fifth of the entire amount of their notes and bills in circulation, and their public and private deposits—a sum believed to be sufficient to keep them in a sound, solvent condition. The amendment, on the contrary, provides that the banks shall keep in their own vaults, or the vaults of other banks, specie equal to one-fourth of its notes and bills in circulation, and the balance of its accounts with other banks payable on demand.

I regret that the Senator has thought proper to change the phraseology, and to use terms less clear and explicit than those in the bill. I am not certain that I comprehend the exact meaning of the provision in the amendment. What is meant by specie in the vaults of other banks? In a general sense, all deposits are considered as specie; but I cannot suppose that to be the meaning in this instance, as it would render the provision in a great measure inoperative. I presume the amendment means special deposits in gold and silver in other banks, placed there for safe-keeping, or to be drawn on, and not to be used by the bank in which it is deposited. Taking this to be the meaning, what is there to prevent the same sum from being twice counted in estimating the means of the several banks of deposit? Take two of them—one having $100,000 in specie in its vaults, and the other the same amount in the vaults of the other bank, which, in addition, has, besides, another $100,000 of its own; what is there to prevent the latter from returning, under the amendment, $200,000 of specie in its vaults, while the former would return $100,000 in its own vaults, and another in the vaults of the other bank, making in the aggregate, between them, $400,000, when, in reality, the amount in both would be but $300,000?

But this is not the only difference between the bill and amendment, in this particular, deserving of notice. The object of the provision is to compel the banks of deposit to have, at all times, ample means to meet their liabilities; so that the Government should have sufficient assurance that the public moneys in their vaults would be forthcoming when demanded. With this view, the bill provides that the available means of the bank shall never be less than one-fifth of its aggregate liabilities, including bills, notes, and deposits, public and private; while the amendment entirely omits the private deposits, and includes only the balance of its deposits with other banks. This omission is the more remarkable, inasmuch as the greater portion of the liabilities of the deposit banks must, with the present large surplus, result from their deposits—as every one who is familiar with banking operations will readily perceive.

I have now presented to the Senate the several points of difference which I deem material between the bill and the amendment, with such remarks as may enable them to form their own opinion in reference to the difference, so that they may decide how far the assertion is true with which I set out, that, wherever they differ, the amendment favors the banks against the interests of the public, and the Executive against the banks.

The Senator, acting on the supposition that there would be a permanent surplus beyond the expenditures of the Government, which neither justice nor regard to the public interest would permit to remain in the banks, has extended the provisions of his amendment, with great propriety, so as to comprehend a plan to withdraw the surplus from the banks. His plan is to vest the commissioners of the sinking fund with authority to estimate, at the beginning of every quarter, the probable receipts and expenditures of the quarter; and if, in their opinion, the receipts, with the money in the treasury, should exceed the estimated expenditure by a cer-

tain sum, say $5,000,000, the excess should be vested in State stocks; and if it should fall short of that sum, a sufficient amount of the stocks should be sold to make up the deficit. We have thus presented for consideration the important subject of the surplus revenue, and with it the question so anxiously and universally asked, What shall be done with the surplus? Shall it be expended by the Government, or remain where it is, or be disposed of as proposed by the Senator? or, if not, what other disposition shall be made of it? questions, the investigation of which necessarily embraces the entire circle of our policy, and on the decision of which the future destiny of the country may depend.

But before we enter on the discussion of this important question, it will be proper to ascertain what will be the probable available means of the year, in order that some conception may be formed of the probable surplus which may remain, by comparing it with the appropriations that may be authorized.

According to the late report of the Secretary of the Treasury, there were deposited in the several banks a little upwards of $33,000,000 at the termination of the first quarter of the year, not including the sum of about $3,000,000 deposited by the disbursing agents of the Govermnent. The same report stated the receipts of the quarter at about $11,000,000, of which lands and customs yielded nearly an equal amount. Assuming for the three remaining quarters an equal amount, it would give, for the entire receipts of the year, $44,000,000. I agree with the Senator, that this sum is too large. The customs will probably average an amount throughout the year corresponding with the receipts of the first quarter, but there probably will be a considerable falling off in the receipts from the public lands. Assuming $7,000,000 as the probable amount, which I presume will be ample, the receipts of the year, subtracting that sum from $44,000,000, will be $37,000,000; and subtracting from

this, $11,000,000, the receipts of the first quarter, would leave $26,000,000 as the probable receipts of the last three quarters. Add to this sum $33,000,000, the amount in the treasury on the last day of the first quarter, and it gives $59,000,000. To this add the amount of stock in the United States Bank, which, at the market price, is worth at least $7,000,000, and we have $66,000,000, which I consider as the least amount at which the probable available means of the year can be fairly estimated. It will, probably, very considerably exceed this amount. The range may be put down at between $66,000,000 and $73,000,000, which may be considered as the two extremes between which the means of the year may vibrate. But, in order to be safe, I have assumed the least of the two.

The first question which I propose to consider is, Shall this sum be expended by the Government in the course of the year? A sum nearly equal to the entire debt of the war of the Revolution, by which the liberty and independence of these States were established; more than five times greater than the expenditure of the Government at the commencement of the present administration,—deducting the payments on account of the public debt,—and more than four times greater than the average annual expenditure of the present administration, making the same deduction, extravagant as its expenditure has been. The very magnitude of the sum decides the question against expenditure. It may be wasted, thrown away, but it cannot be expended. There are not objects on which to expend it; for proof of which I appeal to the appropriations already made and contemplated. We have passed the navy appropriations, which, as liberal as they are admitted to be on all sides, are raised only about $2,000,000 compared with the appropriations of last year. The appropriations for fortifications, supposing the bills now pending should pass, will amount to about $3,500,000, and would exceed the ordinary appropriations, assuming them

at $1,000,000, which I hold to be ample, by $2,500,000. Add a million for ordnance, seven or eight for Indian treaties, and four for Indian wars, and supposing the companies of the regular army to be filled as recommended by the war department, the aggregate amount, including the ordinary expenditures, would be between thirty and thirty-five millions, which would leave a balance of at least $30,000,000 in the treasury at the end of the year.

But suppose objects could be devised on which to expend the whole of the available means of the year, it would still be impossible to make the expenditure without immense waste and confusion. To expend so large an amount, regularly and methodically, would require a vast increase of able and experienced disbursing officers, and a great enlargement of the organization of the Government, in all the branches connected with disbursements. To effect such an enlargement, and to give suitable organization, placed under the control of skilful and efficient officers, must necessarily be a work of time; but, without it, so sudden and great an increase of expenditure would necessarily be followed by inextricable confusion and heavy losses.

But suppose this difficulty overcome, and suitable objects be devised, would it be advisable to make the expenditure? Would it be wise to draw off so vast an amount of productive labor, to be employed in unproductive objects—in building fortifications, dead walls, and in lining the interior frontier with a large military force, neither of which would add a cent to the productive power of the country?

The ordinary expenditure of the Government, under the present administration, may be estimated, say at $18,000,000, a sum exceeding by five or six millions what, in my opinion, is sufficient for a just and efficient administration of the Government. Taking eighteen from sixty-six would leave forty-eight millions as the surplus, if the affairs of the Government had been so administered as to avoid the heavy

expenditures of the year, which I firmly believe, by early and prudent management, might have been effected. The expenditure of this sum, estimating labor at $20 a month, would require 200,000 operatives, equal to one-third of the whole number of laborers employed in producing the great staple of our country, which is spreading wealth and prosperity over the land, and controlling, in a great measure, the commerce and manufactures of the world. But take what will be the actual surplus, and estimate that at half the sum which, with prudence and economy, it might have been, and it would require the subtraction of 100,000 operatives from their present useful employment, to be employed in the unproductive service of the Government. Would it, I again repeat, be wise to draw off this immense mass of productive labor, in order to employ it in building fortifications and swelling the military establishment of the country? Would it add to the strength of the Union, or give increased security to its liberty, or accelerate its prosperity? the great objects for which the Government was constituted.

To ascertain how the strength of any country may be best developed, its peculiar state and condition must be taken into consideration. Looking to ours with this view, who can doubt that, next to our free institutions, the main source of our growing greatness and power is to be found in our great and astonishing increase of numbers, wealth, and facility of intercourse? If we desire to see our country powerful, we ought to avoid any measure opposed to their development, and, in particular, to make the smallest possible draught, consistent with our peace and security, on the productive powers of the country. Let these have the freest possible play. Leave the resources of individuals under their own direction, to be employed in advancing their own and their country's wealth and prosperity, with the extraction of the least amount required for the expenditure of the Government; and draw off not a single laborer from his pre-

sent productive pursuits to the unproductive employment of the Government, excepting such as the public service may render indispensable. Who can doubt that such a policy would add infinitely more to the power and strength of the country than the extravagant schemes of spending millions on fortifications and the increase of the military establishment?

Let us next examine how the liberty of the country may be affected by the scheme of disposing of the surplus by disbursements. And here I would ask, Is the liberty of the country at present in a secure and stable condition? and, if not, by what is it endangered? and will an increase of disbursements augment or diminish the danger.

Whatever may be the diversity of opinion on other points, there is not an intelligent individual of any party, who regards his reputation, that will venture to deny that the liberty of the country is at this time more insecure and unstable than it ever has been. We all know that there is in every portion of the Union, and with every party, a deep feeling that our political institutions are undergoing a great and hazardous change. Nor is the feeling much less strong, that the vast increase of the patronage and influence of the Government is the cause of the great and fearful change which is so extensively affecting the character of our people and institutions. The effect of increasing the expenditures at this time, so as to absorb the surplus, would be to double the number of those who live, or expect to live, by the Government, and, in the same degree, to augment its patronage and influence, and accelerate that downward course which, if not arrested, must speedily terminate in the overthrow of our free institutions.

These views I hold to be decisive against the wild attempt to absorb the immense means of the Government by the expenditures of the year. In fact, with the exception of a few individuals, all seem to regard the scheme either as impracticable or unsafe; but there are others, who, while they condemn the attempt to dispose of the surplus by immediate ex-

penditures, believe it can be safely and expediently expended in a period of four or five years, on what they choose to call the defences of the country.

In order to determine how far this opinion may be correct, it will be necessary first to ascertain what will be the available means of the next four or five years; by comparing which with what ought to be the expenditure, we may determine whether the plan would, or would not, be expedient. In making the calculation, I will take the term of five years, including the present, and which will, of course, include 1840, after the termination of which, the duties above twenty per cent. are to go off, by the provisions of the Compromise Act, in eighteen months, when the revenue is to be reduced to the economical and just wants of the Government.

The available means of the present year, as I have already shown, will equal at least $66,000,000. That of the next succeeding four years (including 1840) may be assumed to be 21,000,000 annually. The reason for this assumption may be seen in the report of the select committee at the last session, which I have reviewed, and in the correctness of which I feel increased confidence. The amount may fall short of, but will certainly not exceed, the estimate in the report, unless some unforeseen event should occur. Assuming, then, $21,000,000 as the average receipts of the next four years, it will give an aggregate of $84,000,000, which, added to the available means of this year, will give $150,000,000 as the sum that will be at the disposal of the Government for the period assumed. Divide this sum by five, the number of years, and it will give $30,000,000 as the average annual available means of the period.

The next question for consideration is, Will it be expedient to raise the disbursements during the period to an average expenditure of $30,000,000 annually? The first and strong objection to the scheme is, that it would leave in the deposit banks a heavy surplus during the greater part of the time,—

beginning with a surplus of upward of thirty millions at the commencement of next year, and decreasing at the rate of eight or nine millions a year till the termination of the period. But, passing this objection by, I meet the question directly. It would be highly inexpedient and dangerous to attempt to keep up the disbursements at so high a rate. I ask, On what shall this money be expended? Shall it be expended by an increase of the military establishment? by an enlargement of the appropriations for fortifications, ordnance, and the navy, far beyond what is proposed for the present year? Have those who advocate the scheme reflected to what extent this enlargement must be carried to absorb so great a sum? Even this year, with the extraordinary expenditure upon Indian treaties and Indian wars, and with profuse expenditures in every other branch of service, the aggregate amount of appropriations will not greatly exceed $30,000,000, and that of disbursements will not, probably, equal that sum.

To what extent, then, must the appropriations for the army, the navy, the fortifications, and the like, be carried, in order to absorb this sum, especially with a declining expenditure in several branches of the service, particularly in the pensions, which, during the period, will fall off more than a million of dollars? But, in order to perceive fully the folly and danger of the scheme, it will be necessary to extend our view beyond 1842, in order to form some opinion of what will be the income of the Government when the tariff shall be so reduced, under the Compromise Act, that no duty shall exceed twenty per cent. ad valorem. I know that any estimate made at this time cannot be considered much more than conjectural; but still, it would be imprudent to adopt a system of expenditure now, without taking into consideration the probable state of the revenue a few years hence.

After bestowing due reflection on the subject, I am of the impression that the income from the imposts, after the period in question, will not exceed $10,000,000. It will prob-

ably fall below, rather than rise above, that sum. I assume as the basis of this estimate, that our consumption of foreign articles will not then exceed $150,000,000. We all know that the capacity of the country to consume depends upon the value of its domestic exports, and the profits of its commerce and navigation. Of its domestic exports it would not be safe to assume any considerable increase in any article except cotton. To what extent the production and consumption of this great staple, which puts in motion so vast an amount of the industry and commerce of the world, may be increased between now and 1842, it is difficult to conjecture; but I deem it unsafe to suppose that it can be so increased as to extend the capacity of the country to consume beyond the limits I have assigned. Assuming, then, the amount which I have, and dividing the imports into free and dutiable articles, the latter, according to the existing proportion between the two descriptions, would amount in value to something less than $70,000,000. According to the Compromise Act no duty after the period in question, can exceed twenty per cent., and the rates would range from that down to five or six per cent. Taking fifteen per cent. as the average, which would be, probably, full high, and allowing for the expenses of collection, the net income would be something less than $10,000,000.

The income from public lands is still more conjectural than that from customs. There are so many, and such various causes in operation affecting this source of the public income, that it is exceedingly difficult to form even a conjectural estimate as to its amount, beyond the current year. But, in the midst of this uncertainty, one fact may be safely assumed, that the purchasers during the last year, and thus far during this, greatly exceed the steady, progressive demand for public lands, from increased population, and the consequent emigration to the new States and territories. Many of the purchases have been, unquestionably, upon specula-

tion, with a view to resales; and must, of course, come into market hereafter in competition with the lands of the Government, and to that extent reduce the income from their sales. Estimating the demand for public lands even from what it was previous to the recent large sales, and taking into estimate the increased population and wealth of the country, I do not consider it safe to assume more than $5,000,000 annually from this branch of the revenue, which, added to the customs, would give for the annual receipts between fourteen and fifteen millions of dollars after 1842.

I now ask whether it would be prudent to raise the public expenditures to the sum of $30,000,000 annually during the intermediate period, with the prospect that they must be suddenly reduced to half that amount? Who does not see the fierce conflict which must follow between those who may be interested in keeping up the expenditures, and those who have an equal interest against an increase of the duties as the means of keeping them up? I appeal to the Senators from the South, whose constituents have so deep an interest in low duties, to resist a course so impolitic, unwise, and extravagant—and which, if adopted, might again renew the tariff, so recently thrown off by such hazardous and strenuous efforts, with all its oppression and disaster. Let us remember what occurred in the fatal session of 1828. With a folly unparalleled, Congress then raised the duties to a rate so enormous as to average one-half the value of the imports, when on the eve of discharging the debt, and when, of course, there would be no objects on which the immense income from such extravagant duties could be justly and constitutionally expended. It is amazing that there was such blindness then as not to see what has since followed—the sudden discharge of the debt, and an overflowing treasury, without the means of absorbing the surplus; the violent conflict resulting from such a state of things; and the vast increase of the power and patronage of the Government, with all its corrupting con-

sequences. We are now about to commit an error of a different character: to raise the expenditure far beyond all example, in time of peace, and with a decreasing revenue—which must, with equal certainty, bring on another conflict, not much less dangerous, in which the struggle will not be to find objects to absorb an overflowing treasury, but to devise means to continue an expenditure far beyond the just and legitimate wants of the country. It is easy to foresee that, if we are thus blindly to go on in the management of our affairs, without regard to the future, the frequent and violent concussions which must follow from such folly cannot but end in a catastrophe that will ingulf our political institutions.

With such decided objections to the dangerous and extravagant scheme of absorbing the surplus by disbursements, I proceed to the next question, Shall the public money remain where it now is? Shall the present extraordinary state of things, without example or parallel, continue—of a Government, calling itself free, exacting from the people millions beyond what it can expend, and placing that vast sum in the custody of a few monopolizing corporations, selected at the sole will of the Executive, and continued during his pleasure, to be used as their own from the time it is collected till it is disbursed? To this question there must burst from the lips of every man who loves his country and its institutions, and who is the enemy of monopoly, injustice, and oppression, an indignant *No.* And here let me express the pleasure I feel that the Senator from New-York, in moving his amendment, however objectionable his scheme, has placed himself in opposition to the continuance of the present unheard-of and dangerous state of things; and I add, as a simple act of justice, that the tone and temper of his remarks in support of his amendment, were characterized by a courtesy and liberality which I, on my part, shall endeavor to imitate. But I fear, notwithstanding this favorable indication in so influential a quarter, the very magnitude of the

evil (too great to be concealed) will but serve to perpetuate it. So great and various are the interests enlisted in its favor, that I greatly fear all the efforts of the wise and patriotic to arrest it will prove unavailing. At the head of these stand the depository banks themselves, with their numerous stockholders and officers; with their $40,000,000 of capital, and an equal amount of public deposits, associated into one great combination extending over the whole Union, and under the influence and control of the treasury department. The whole weight of this mighty combination, so deeply interested in the continuance of the present state of things, is opposed to any change. To this powerful combination must be added the numerous and influential body who are dependent on banks to meet their engagements, and who, whatever may be their political opinions, must be alarmed at any change which may limit their discounts and accommodations. Then come the stock-jobbers, a growing and formidable class, who live by raising and depressing stocks, and who behold in the present state of things the most favorable opportunity of carrying on their dangerous and corrupting pursuits. With the control which the Secretary of the Treasury has over the banks of deposit, through transfer warrants, with the power of withdrawing the deposits at pleasure, he may, whenever he chooses, raise or depress the stock of any bank; and, if disposed to use this tremendous power for corrupt purposes, may make the fortunes of the initiated, and overwhelm in sudden ruin those not in the secret. To the stock-jobbers must be added speculators of every hue and form; and, in particular, the speculators in public lands, who, by the use of the public funds, are rapidly divesting the people of the noble patrimony left by our ancestors in the public domain, by giving in exchange what may, in the end, prove to be broken credit and worthless rags. To these we must add the artful and crafty politicians, who wield this mighty combination of interests for political

purposes. I am anxious to avoid mingling party politics in this discussion; and, that I may not even seem to do so, I shall not attempt to exhibit, in all its details, the fearful, and, I was about to add, the overwhelming power which the present state of things places in the hands of those who have control of the Government, and which, if it be not wielded to overthrow our institutions and destroy all responsibility, must be attributed to their want of inclination, and not to their want of means.

Such is the power and influence interested to continue the public money where it is now deposited. To these there are opposed the honest, virtuous, and patriotic of every party, who behold in the continuance of the present state of things the almost certain convulsion and overthrow of our liberty. There would be found, on the same side, the great mass of the industrious and labouring portion of the community, whose hard earnings are extracted from them without their knowledge, were it not that what is improperly taken from them is successfully used as the means of deceiving and controlling them. If such were not the case—if those who work could see how those who profit are enriched at their expense—the present state of things would not be endured for a moment; but as it is, I fear that, from misconception, and consequent want of union and co-operation, things may continue as they are, till it will be too late to apply a remedy. I trust, however, that such will not be the fact; that the people will be roused from their false security; and that Congress will refuse to adjourn till an efficient remedy is applied. In this hope, I recur to the inquiry, What shall that remedy be? Shall we adopt the measure recommended by the Senator from New-York, which, as has been stated, proposes to authorize the Commissioners of the Sinking Fund to ascertain the probable income of each quarter, and, if there should be a probable excess above $5,000,000, to vest the surplus in the purchase of State stocks; but, if

there shall be a deficiency, to sell so much of the stock previously purchased as would make up the difference?

I regret that the Senator has not furnished a statement of facts sufficiently full to enable us to form an opinion of what will be the practical operation of his scheme. He has omitted, for instance, to state what is the aggregate amount of stocks issued by the several States—a fact indispensable in order to ascertain how the price of the stocks would be affected by the application of the surplus to their purchase. All who are in the least familiar with subjects of this kind, must know that the price of stocks rises proportionably with the amount of the sum applied to their purchase. I have already shown that the probable surplus at the end of this year, notwithstanding the extravagance of the appropriations, will be between thirty and thirty-five millions; and, before we can decide understandingly, whether this great sum can with propriety be applied as the Senator proposes, we should know whether the amount of State stocks be sufficient to absorb it, without raising their price extravagantly high.

The Senator should also have informed us, not only as to the amount of the stock, but how it is distributed among the States, in order to enable us to determine whether his scheme would operate equally between them. In the absence of correct information on both of these points, we are compelled to use such as we may possess, however defective and uncertain, in order to make up our mind on his amendment.

We all know, then, that while several of the States have no stocks, and many a very inconsiderable amount, three of the large States (Pennsylvania, Ohio, and New-York) have a very large amount—not less in the aggregate, if I am correctly informed, than thirty-five or forty millions. What amount is held by the rest of the States is uncertain; but I suppose it may be safely assumed that, taking the whole, it is less than that held by those States. With these facts, it cannot be doubted

that the application of the surplus, as proposed by the Senator, would be exceedingly unequal among the States, and that the advantage of the application would mainly accrue to these States. To most of these objections, the Senator, while he does not deny that the application of the surplus will greatly raise the price of stocks, insists that the States issuing them will not derive any benefit from the advance, and, consequently, have no interest in the question of the application of the surplus to their purchase.

If by States he means the governments of the States, the view of the Senator may be correct. They may, as he says, have but little interest in the market value of their stocks, as it must be redeemed by the same amount, whether that be high or low. But if we take a more enlarged view, and comprehend the people of the States as well as their government, the argument entirely fails. The Senator will not deny that the holders have a deep interest in the application of so large a sum as the present surplus to the purchase of their stocks. He will not deny that such application must greatly advance the price; and, of course, in determining whether the States having stocks will be benefited by applying the surplus as he proposes, we must first ascertain who are the holders. Where do they reside? Are they foreigners residing abroad? If so, would it be wise to apply the public money so as to advance the interests of foreigners, to whom the States are under no obligation but honestly to pay to them the debts which they have contracted? But if not held by foreigners, are they held by citizens of such States? If such be the fact, will the Senator deny that those States will be deeply interested in the application of the surplus, as proposed in his amendment, when the effects of such application must be, as is conceded on all sides, greatly to enhance the price of the stocks, and, consequently, to increase the wealth of their citizens? Let us suppose that, instead of purchasing the stocks of the States in which his constituents are interested,

the Senator's amendment had proposed to apply the present enormous surplus to the purchase of cotton or slaves, in which the constituents of the Southern Senators are interested, would any one doubt that the cotton-growing or slaveholding States would have a deep interest in the question? It will not be denied that, if so applied, their price would be greatly advanced, and the wealth of their citizens proportionably increased. Precisely the same effect would result from the application to the purchase of stocks, with like benefits to the citizens of the States which have issued large amounts of stock. The principle is the same in both cases.

But there is another view of the subject which demands most serious consideration. Assuming, what will not be questioned, that the application of the surplus, as proposed by the amendment, will be very unequal among the States, some having little or none, and others a large amount of stocks, the result would necessarily be to create, in effect, the relation of debtor and creditor between the States. The States whose stocks might be purchased by the commissioners would become the debtors of the Government; and as the Government would, in fact, be but the agent between them and the other States, the latter would, in reality, be their creditors. This relation between them could not fail to be productive of important political consequences, which would influence all the operations of the Government. It would, in particular, have a powerful bearing upon the presidential election; the debtor and creditor States each striving to give such a result to the elections as might be favorable to their respective interests; the one to exact, and the other to exempt themselves from the payment of the debt. Supposing the three great States to which I have referred, whose united influence would have so decided a control, to be the principal debtor States, as would, in all probability, be the fact, it is easy to see that the result would be, finally, the release of

the debt, and, consequently, a corresponding loss to the creditor, and gain to the debtor States.

But there is another view of the subject still more deserving, if possible, of attention than either of those which have been presented. It is impossible not to see, after what has been said, that the power proposed to be conferred by the amendment of the Senator, of applying the surplus in buying and selling the stocks of the States, is one of great extent, and calculated to have powerful influence, not only on a large body of the most wealthy and influential citizens of the States which have issued stocks, but on the States themselves. The next question is, In whom is the exercise of this power to be vested? Where shall we find individuals sufficiently detached from the politics of the day, and whose virtue, patriotism, disinterestedness, and firmness can raise them so far above political and sinister motives as to exercise powers so high and influential exclusively for the public good, without any view to personal or political aggrandizement? Who has the amendment selected as standing aloof from politics, and possessing these high qualifications? Who are the present commissioners of the sinking fund, to whom this high and responsible trust is to be confided? At the head stands the Vice-President of the United States, with whom the Chief-Justice of the United States, the Secretary of State, the Secretary of the Treasury, and the Attorney General, are associated; all party men, deeply interested in the maintenance of power in the present hands, and having the strongest motives to apply the vast power which the amendment would confer upon them, should it become a law, to party purposes. I do not say it would be so applied; but I must ask, Would it be prudent, would it be wise, would it be seemly, to vest such great and dangerous powers in those who have so strong a motive to abuse it—and who, if they should have elevation and virtue enough to resist the temptation, would still be suspected of having used the power for sinister and corrupt

purposes? I am persuaded, in drawing the amendment, the Senator from New-York has, without due reflection on the impropriety of vesting the power where he proposes, inadvertently inserted the provision which he has; and that, on a review, he will concur with me, that, should his amendment be adopted, the power ought to be vested in others, less exposed to temptation, and, consequently, less exposed to suspicion.

I have now stated the leading objections to the several modes of disposing of the surplus revenue which I proposed to consider; and the question again recurs, What shall be done with the surplus? The Senate is not uninformed of my opinion on this important subject. Foreseeing that there would be a large surplus, and the mischievous consequences that must follow, I moved, during the last session, for a select committee, which, among other measures, reported a resolution so to amend the constitution as to authorize the temporary distribution of the surplus among the States; but so many doubted whether there would be a surplus at the time, that it rendered all prospect of carrying the resolution hopeless. My opinion still remains unchanged, that the measure then proposed was the best; but so rapid has been the accumulation of the surplus, even beyond my calculation, and so pressing the danger, that what would have been then an efficient remedy, would now be too tardy to meet the danger; and, of course, another remedy must be devised, more speedy in its action.

After bestowing on the subject the most deliberate attention, I have come to the conclusion that there is no other so safe, so efficient, and so free from objections as the one I have proposed, of depositing the surplus that may remain at the termination of the year, in the treasuries of the several States, in the manner provided for in the amendment. But the Senator from New-York objects to the measure, that it would, in effect, amount to a distribution—on the ground, as he con-

ceives, that the States would never refund. He does not doubt but that they would refund, if called on by the Government; but he says that Congress will, in fact, never make the call. He rests this conclusion on the supposition that there would be a majority of the States opposed to it. He admits, in case the revenue should become deficient, that the Southern or staple States would prefer to refund their quota rather than to raise the imposts to meet the deficit; but he insists that the contrary would be the case with the manufacturing States, which would prefer to increase the imposts to refunding their quota, on the ground that the increase of the duties would promote the interests of manufactures. I cannot agree with the Senator that those States would assume a position so entirely untenable as to refuse to refund a deposit which their faith would be plighted to return, and rest the refusal on the ground of preferring to lay a tax, because it would be a bounty to them, and would consequently, throw the whole burden of the tax on the other States. But, be this as it may, I can tell the Senator that, if they should take a course so unjust and monstrous, he may rest assured that the other States would most unquestionably resist the increase of the imposts; so that the Government would have to take its choice, either to go without the money, or call on the States to refund the deposits. But I so far agree with the Senator as to believe that Congress would be very reluctant to make the call; that it would not make it till, from the wants of the treasury, it should become absolutely necessary; and that, in order to avoid such necessity, it would resort to a just and proper economy in the public expenditures as the preferable alternative. I see in this, however, much good instead of evil. The Government has long since departed from habits of economy, and fallen into a profusion, a waste, and an extravagance in its disbursements, rarely equalled by any free state, and which threatens the most disastrous consequences.

But I am happy to think that the ground on which the objection of the Senator stands may be removed, without materially impairing the provisions of the bill. It will require but the addition of a few words to remove it, by giving to the deposits all the advantages, without the objections, which he proposes by his plan. It will be easy to provide that the States shall authorize the proper officers to give negotiable certificates of deposit, which shall not bear interest till demanded, when they shall bear the usual rates till paid. Such certificates would be, in fact, State stocks, every way similar to that in which the Senator proposes to vest the surplus, but with this striking superiority—that, instead of being partial, and limited to a few States, they would be fairly and justly apportioned among the several States. They would have another striking advantage over his. They would create among all the members of the confederacy, reciprocally, the relation of debtor and creditor, in proportion to their relative weight in the Union ;. which, in effect, would leave them in their present relation, and, of course, avoid the danger that would result from his plan, which, as has been shown, would necessarily make a part of the States debtors to the rest, with all the dangers resulting from such relation.

The next objection of the Senator is to the ratio of distribution, proposed in the bill, among the States, which he pronounces to be unequal, if not unconstitutional. He insists that the true principle would be, to distribute the surplus among the States in proportion to the representation in the House of Representatives, without including the Senators, as is proposed in the bill—for which he relies on the fact, that, by the constitution, representation and taxation are to be apportioned in the same manner among the States.

The Senate will see that the effect of adopting the ratio supported by the Senator would be to favor the large States, while that in the bill will be more favorable to the small.

The State I in part represent, occupies a neutral position between the two. She cannot be considered either a large or a small State, forming, as she does, one twenty-fourth part of the Union; and, of course, it is the same to her whichever ratio may be adopted. But I prefer the one contained in my amendment, on the ground that it represents the relative weight of the States in the Government. It is the weight assigned to them in the choice of the President and Vice-President in the electoral college, and, of course, in the administration of the laws. It is also that assigned to them in the making of the laws by the action of the two Houses, and corresponds very nearly to their weight in the judicial department of the Government—the judges being nominated by the President and confirmed by the Senate. In addition, I was influenced, in selecting the ratio, by the belief that it was a wise and magnanimous course, in case of doubt, to favor the weaker members of the confederacy. The larger can always take care of themselves; and, to avoid jealousy and improper feelings, ought to act liberally towards the weaker members of the confederacy. To which may be added, that I am of the impression—even on the principle assumed by the Senator, that the distribution of the surplus ought to be apportioned on the ratio of direct taxation (which may be well doubted)—the ratio which I support would conform, in practice, more nearly to the principle than that which he supports. It is a fact not generally known, that representation in the other House, and direct taxes, should they be laid, would be very far from being equal, although the constitution provides that they shall be. The inequality would result from the mode of apportioning the representatives. Instead of apportioning them among the States, as near as may be, as directed by the constitution, an artificial mode of distribution has been adopted, which, in its effects, gives to the large States a greater, and to the small a less number, than that to which they are entitled.

I would refer those who may desire to understand how this inequality is effected, to the discussion in this body on the apportionment bill under the last census. So great is this inequality, that, were a direct tax to be laid, New-York, for instance, would have at least three members more than her apportionment of the tax would require. The ratio which I have proposed would, I admit, produce as great an inequality in favor of some of the small States—particularly the old, whose population is nearly stationary; but among the new and growing members of the confederacy, which constitute the greater portion of the small States, it would not give a larger share of the deposits than what they would be entitled to on the principle of direct taxes. But the objection of the Senator to the ratio of distribution, like his objection to the condition on which the bill proposes to make it, is a matter of small comparative consequence. I am prepared, in the spirit of concession, to adopt either, as one or the other may be more acceptable to the Senate.

It now remains to compare the disposition of the surplus proposed in the bill with the others I have discussed; and unless I am greatly deceived, it possesses great advantages over them. Compared with the scheme of expending the surplus, its advantages are, that it would avoid the extravagance and waste which must result from suddenly more than quadrupling the expenditures, without a corresponding organization in the disbursing department of the Government to enforce economy and responsibility. It would also avoid the diversion of so large a portion of the industry of the country from its present useful direction to unproductive objects, with heavy loss to the wealth and prosperity of the country, as has been shown;—while it would, at the same time, avoid the increase of the patronage and influence of the Government, with all their corruption and danger to the liberty and institutions of the country. But its advantages would not be limited simply to avoiding the evil of extravagant and

useless disbursements. It would confer positive benefits, by enabling the States to discharge their debts, and complete a system of internal improvements, by railroads and canals, which would not only greatly strengthen the bonds of the confederacy, but increase its power, by augmenting infinitely our resources and prosperity.

I do not deem it necessary to compare the disposition of the surplus which is proposed in the bill with the dangerous, and, I must say, wicked scheme of leaving the public funds where they are, in the banks of deposit, to be loaned out by those institutions to speculators and partisans, without authority or control of law.

Compared with the plan proposed by the Senator from New-York, it is sufficient, to prove its superiority, to say that, while it avoids all the objections to which his is liable, it at the same time possesses all the advantages, with others peculiar to itself. Among these, one of the most prominent is, that it provides the only efficient remedy for the deep-seated disease which now afflicts the body politic, and which threatens to terminate so fatally, unless it be speedily and effectually arrested.

All who have reflected on the nature of our complex system of government, and the dangers to which it is exposed, have seen that it is susceptible, from its structure, to two dangers of an opposite character—one threatening consolidation, and the other anarchy and dissolution. From the beginning of the Government, we find a difference of opinion among the wise and patriotic as to which the Government was most exposed: one part believing the danger was, that the Government would absorb the reserved powers of the States, and terminate in consolidation, while the other were equally confident that the States would absorb the powers of the Government, and the system end in anarchy and dissolution. It was this diversity of opinion which gave birth to the two great, honest, and patriotic parties which so long divided the

community, and to the many political conflicts which so long agitated the country. Time has decided the controversy. We are no longer left to doubt that the danger is on the side of this Government; and that, if not arrested, the system must terminate in an entire absorption of the powers of the States.

Looking back, with the light which experience has furnished, we now clearly see that both of the parties took a false view of the operation of the system. It was admitted by both, that there would be a conflict for power between the Government and the States, arising from a disposition on the part of those who, for the time being, exercised the powers of the Government and the States, to enlarge their respective powers at the expense of each other, and which would induce each to watch the other with incessant vigilance. Had such proved to be the fact, I readily concede that the result would have been the opposite of what has occurred, and the republican, and not the federal party, would have been mistaken as to the tendency of the system. But so far from this jealousy, experience has shown that, in the operation of the system, a majority of the States have acted in concert with the Government at all times, except upon the eve of political revolution, when one party was about to go out, to make room for the other to come in; and we now clearly see that this has not been the result of accident, but that the habitual operation must necessarily be so. The misconception resulted from overlooking the fact, that the Government is but an agent of the States, and that the dominant majority of the Union, which elect and control a majority of the State Legislatures, would elect also those who would control this Government;—whether that majority rested on sectional interests, on patronage and influence, or on whatever other basis, and that they would use the influence both of the General and State Governments jointly, for aggrandizement and the perpetuation of their power. Regarded

in this light, it is not at all surprising that the tendency of the system is such as it has proved itself to be,—and which any intelligent observer now sees must necessarily terminate in a central, absolute, irresponsible, and despotic power. It is this fatal tendency that the measure proposed in the bill is calculated to counteract, and which, I believe, would prove effective if now applied. It would place the States in the relation in which it was universally believed they would stand to this Government at the time of its formation; and make them those jealous and vigilant guardians of its action on all measures touching the disbursements and expenditures of the Government, which it was confidently believed they would be; which would arrest the fatal tendency to the concentration of the entire powers of the system in this Government, if any thing on earth can.

But it is objected that the remedy would be too powerful, and would produce an opposite and equally dangerous tendency. I coincide that such would be the danger, if permanently applied; and, under that impression, and believing that the present excess of revenue would not continue longer, I have limited the measure to the duration of the Compromise Act. Thus limited, it will act sufficiently long, I trust, to eradicate the present disease, without superinducing one of an opposite character.

But the plan proposed is supported by its justice, as well as these high considerations of political expediency. The surplus money in the treasury is not ours. It properly belongs to those who made it, and from whom it has been unjustly taken. I hold it an unquestionable principle, that the Government has no right to take a cent from the people beyond what is necessary to meet its legitimate and constitutional wants. To take more intentionally would be robbery; and, if the Government has not incurred the guilt in the present case, its exemption can only be found in its folly —the folly of not seeing and guarding against a vast excess

of revenue, which the most ordinary understanding ought to have foreseen and prevented. If it were in our power—if we could ascertain from whom the vast amount now in the treasury was improperly taken, justice would demand that it should be returned to its lawful owners. But, as that is impossible, the measure next best, as approaching nearest to restitution, is that which is proposed, to deposit it in the treasuries of the several States, which will place it under the disposition of the immediate representatives of the people, to be used by them as they may think fit, till the wants of the Government may require its return.

But it is objected that such a disposition would be a bribe to the people. A bribe to the people to return it to those to whom it justly belongs, and from whose pockets it should never have been taken! A bribe to place it in the charge of the immediate representatives of those from whom we derive our authority, and who may employ it so much more usefully than we can! But what is to be done? If not returned to the people, it must go somewhere; and is there no danger of bribing those to whom it may go? If we disburse it, is there no danger of bribing the thousands of agents, contractors, and jobbers, through whose hands it must pass, and in whose pockets, and those of their associates, so large a part would be deposited? If, to avoid this, we leave it where it is, in the banks,—is there no danger of bribing the banks in whose custody it is, with their various dependants, and the numerous swarms of speculators which hover about them in hopes of participating in the spoil? Is there no danger of bribing the political managers, who, through the deposits, have the control of these banks, and, by them, of their dependants, and the hungry and voracious hosts of speculators who have overspread and are devouring the land? Yes, literally devouring the land. Finally, if it should be vested, as proposed by the Senator from New-York, is there no danger

of bribing the holders of State stocks, and, through them, the States which have issued them? Are the agents, the jobbers, and contractors; are the directors and stockholders of the banks; are the speculators and stock-jobbers; are the political managers and holders of State securities, the only honest portion of the community? Are they alone incapable of being bribed? And are the people the least honest, and most liable to be bribed? Is this the creed of those now in power? of those who profess to be the friends of the people, and to place implicit confidence in their virtue and patriotism?

I have now, said Mr. Calhoun, stated what, in my opinion, ought to be done with the surplus. Another question still remains: not what shall, but what will be done with the surplus? With a few remarks on this question, I shall conclude what I intended to say.

There was a time, in the better days of the republic, when to show what ought to be done was to insure the adoption of the measure. Those days have passed away, I fear, for ever. A power has risen up in the Government greater than the people themselves, consisting of many, and various, and powerful interests, combined into one mass, and held together by the cohesive power of the vast surplus in the banks. This mighty combination will be opposed to any change; and it is to be feared that, such is its influence, no measure to which it is opposed can become a law, however expedient and necessary; and that the public money will remain in their possession, to be disposed of, not as the public interest, but as theirs may dictate. The time, indeed, seems fast approaching, when no law can pass, nor any honor be conferred, from the Chief Magistrate to the tide-waiter, without the assent of this powerful and interested combination, which is steadily becoming the Government itself, to the utter subversion of the authority of the people. Nay, I fear we are in the midst of it; and I look with anxiety

to the fate of this measure as the test whether we are or not.

If nothing should be done—if the money which justly belongs to the people be left where it is, with the many and overwhelming objections to it—the fact will prove that a great and radical change has been effected ; that the Government is subverted ; that the authority of the people is suppressed by an union of the banks and the Executive—an union a hundred times more dangerous than that of church and state, against which the constitution has so jealously guarded. It would be the announcement of a state of things from which, it is to be feared, there can be no recovery —a state of boundless corruption, and the lowest and basest subserviency. It seems to be the order of Providence that, with the exception of these, a people may recover from any evil. Piracy, robbery, and violence of every description may, as history proves, be followed by virtue, patriotism, and national greatness ; but where is the example to be found of a degenerate, corrupt and subservient people, who have ever recovered their virtue and patriotism ? Their lot has ever been the lowest state of wretchedness and misery : scorned, trodden down, and obliterated for ever from the list of nations. May Heaven grant that such may never be our doom !

SPEECH

On the Deposit Bill, delivered in the Senate, December 21, 1836.

[Mr. Calhoun, agreeably to notice, asked and obtained leave to introduce the following Bill :—

A Bill to extend the provisions of certain sections therein named

of the act of the 23d June, 1836, regulating the deposits of the money that may be in the treasury on the 1st January, 1838.

Be it enacted, &c. That the money which shall be in the treasury of the United States on the first day of January, 1838, reserving the sum of five millions of dollars, shall be deposited with the several States, on the terms, and according to the provisions of the 13th, 14th, and 15th sections of the act to regulate the deposits of the public money, approved the 23d day of June, 1836.]

Mr. Calhoun, in introducing the bill, observed that he had not asked leave to introduce this bill without satisfying himself that there would be a large surplus of the public revenue remaining in the treasury at the termination of the next year, after allowing for very liberal appropriations on all proper subjects of expenditure. From the calculations he had made, he was convinced that the amount of this surplus would not fall short of eight millions of dollars.

He was fully aware that the Secretary of the Treasury, in the report submitted by that officer to Congress, had taken a very different view ; yet Mr. C. thought he hazarded little when he said that, on this subject the Secretary was certainly mistaken. He knew, indeed, that formerly such an assertion from a member of Congress, in relation to the highest fiscal officer of the Government would have been deemed adventurous ; but so vague, so uncertain, so conjectural, and so very erroneous had been the reports from that department for two or three years last past, that he could not be considered as risking much in taking such a position. That, in this remark, he did no injustice to the Secretary of the Treasury (toward whom he cherished no personal hostility or unkind feelings whatsoever), he would take the liberty of presenting to the Senate the estimates made by that officer in December last, for the present year, and compare with it the actual result, as now ascertained from the Secretary's own report, made the present session. His estimate of the receipts from all sources, including the public

lands and every other branch of the revenue, amounted to $19,750,000 ;—whereas the report stated those receipts to have amounted to $47,691,898—presenting a difference in the estimate, for a single year, of $27,941,898. Thus the excess of the actual receipts had exceeded the estimate by more than one-third of the whole amount of the estimate. Each of the great branches of revenue, the customs and the public lands, exceeded the estimate by millions of dollars.

Again : the Secretary had estimated the balance at the end of the year, then within four weeks of its termination, at $18,047,598 ;—whereas the report showed that the balance actually amounted to $26,749,803—being an error of $8,702,250 for that short period. How these errors arose, whether from negligence or inattention, or whether they were made purposely, to subserve certain political views, it was not for him to say ; but they were sufficient to show that he ran no very formidable hazard in venturing to say that the views of the Secretary in respect to what was yet future might be erroneous.

But further : the Secretary, in his report last year, had estimated the available means of the treasury, for the current year, at $37,797,598 ; they were now ascertained to have been $74,441,701, exhibiting the error of $46,644,104. We might search the fiscal records of all civilized nations, and would not find, in the compass of history, an error so monstrous. He stated this with no feelings of ill-will toward the Secretary, but with emotions of shame and mortification for the honor of the country. How must errors like these appear in the eyes of foreign nations ? How would they look to posterity ?

But he was not yet done. The Secretary estimated the expenditure of the year at $23,103,444 ;—whereas they turned out to be $31,435,032—making a difference of $8,331,588. He estimated the balance in the treasury at the end of this year at $14,500,000. He now admits that it will equal

$43,005,669—making an error of $28,505,669, and this notwithstanding he had made an under estimate of the expenditure of more than eight millions, which, if added, as it ought to be, would make a mistake of nearly thirty-seven millions.

The Secretary, however, had profited by the errors of last year. The estimates in the present report were somewhat nearer to the truth, but still far removed from it. Indeed, so small was the extent to which he had profited, that he had risked an opinion that the expenditure would exceed the income; so that, of the sum which had been deposited with the States, a portion, amounting to between two and three millions, would have to be refunded. The Secretary held out language of this kind, when he acknowledges that the income of the year would be $24,000,000. Mr. C. said he would be glad to see the administration, with such an income, venture to call upon the States to pay back the moneys they had received. No administration would venture the call, except in the case of a foreign war; in which event these deposits would prove a timely and precious resource. With proper management, they would enable the Government to avoid the necessity, at the commencement of a war, of resorting to war taxes and loans. All those gentlemen—and he saw several of them around him who were here at the commencement of the last war—would well remember the difficulty and embarrassment which attended the operation of raising the revenue from a peace to a war establishment.

Assuming, then, that there would be a surplus, the question presented itself as to what should be done with it. That question Mr. C. would not now attempt to argue. The discussion of it at this time would be premature and out of place. He proposed to himself a more limited object; which was, to state the points connected with this subject, which he considered as established, and to point out what was the real issue at present. One point was perfectly es-

tablished by the proceedings of the last session—that, when there was an unavoidable surplus, it ought not to be left in the treasury, or in the deposit banks, but should be deposited with the States. It was not only the most safe, but the most just, that the States should have the use of the money, in preference to the banks. This, in fact, was the great and leading principle which lay at the foundation of the act of last session—an act that would for ever distinguish the twenty-fourth Congress—an act which will go down with honor to posterity, as it had obtained the almost unanimous approbation of the present day. Its passage had inspired the country with new hopes. It was beheld abroad as a matter of wonder; a phenomenon in the fiscal world; such as could have sprung out of no institutions but ours, and which went, in a powerful and impressive manner, to illustrate the genius of our Government.

He considered it no less fully established, that there ought to be no surplus, if it could be *avoided.* The money belonged to those who made it, and Government had no right to exact it unless necessary. What, then, was the true question at issue? It was this, Can you reduce the revenue to the wants of the people?—he meant in a large political sense. Could the reduction be made without an injury that would more than countervail the benefit? The President thought it could be done; and Mr. C. hoped he was correct in that opinion. If it be practicable, then, beyond all question it was the proper and natural course to be adopted. It was under this impression that he had moved to refer this part of the President's Message to the Committee on Finance. He not only considered that as the appropriate committee, but there were other reasons that governed him in making the reference. A majority of that committee were known to be hostile to the Deposit Bill, and would, therefore, do all in their power to avoid the possibility of having a surplus. If, then, that committee could not

effect a reduction, then it might be safely assumed as impracticable. If they could agree on a reduction, the Senate no doubt would concur with them.

There was one point on which the committee need have have no apprehension : that any *reduction* they might propose to make would be considered by the South as a breach of the Compromise Act. Her interest in that act is not against the reduction, but the increase of duties. If it be the pleasure of other sections to reduce, she will certainly not complain.

Mr. C. said he would take this occasion to define with exactness the position he occupied in regard to the compromise. He stood, personally, without pledge or plighted faith, as far as that act was concerned. He clearly foresaw, at the time that bill passed, that there would be a surplus of revenue in the treasury. He knew that result to be unavoidable, unless by a reduction so sudden as to overthrow our manufacturing establishments—a catastrophe which he sincerely desired to avoid. Whatever might be thought to the contrary, he had always been the friend of those establishments. He thought, at the time, that the reduction provided for in the bill had not been made to take place as fast as it might have been. But the terms of the bill formed the only ground on which the opposing interests could agree, and he, as representing, in part, one of the Southern States, had accepted it—believing it, on the whole, to be the best arrangement which could be effected ; yet he saw (it did not, indeed, require much of a prophetic spirit) that there were those who were then ready to collect the tariff at the point of the bayonet rather than yield an inch, who, when the injurious effects of the surplus should be felt, would throw the responsibility on those who supported the bill. Seeing this, Mr. C. had determined that it should not be thrown upon him. He had therefore risen in his place, and, after calling on the stenographers to note his words, he had declared that

he voted for that bill in the same manner, and no other, that he did for all other bills,—and that he held himself no further personally pledged in its passage than in any other. Mr. C. was therefore at perfect liberty to select his position, which he would now state. We of the South had derived incalculable advantages from that act; and, as one belonging to that section, he claimed all those advantages to the very last letter. That act had reduced the income of the Government greatly. Few, he believed, were fully aware of the extent to which it had operated. It was a fact, which documents would show, that the act of 1828 arrested at the custom-house one-half in value of the amount of the imports. The imports at that time, deducting reshipments, were about sixty-five millions of dollars in value—out of which the Government collected about thirty-two millions in the gross The imports of the last year, deducting reshipments, amounted to $120,000,000, which, if the tariff of 1828 had not been reduced, would have given an increase of $60,000,000, instead of something upwards of $21,000,000. He claimed not the whole difference for the compromise, but upwards of $20,000,000 may be fairly carried to its credit. Under this great reduction, we of the South began to revive. Our business began to thrive and to look up. But the Compromise Act had not yet fully discharged its functions. Its operation would continue until the revenue shall be brought down till no duty shall exceed twenty per cent. *ad valorem*, and the revenue be reduced to the actual wants of the Government. But, while he claimed for the South all these very important advantages, Mr. C. trusted he was too honest as well as too proud, while he claimed those benefits on her part, to withhold whatever advantage the North may derive from the compromise. His position, then, on the question of reduction, was to follow, and not to lead; and such he believed to be the true position of the South. If it be the wish of other sections to reduce, she will cheerfully follow; but I

trust she will be the last to disturb the present state of things.

Having thus clearly defined his own position, Mr. C. said he would venture a suggestion. If the manufacturing interests would listen to the voice of one who had never been their enemy, he would venture to advise them to a course which he should consider as wise on all sides.

It is well known, said Mr. C., that the Compromise Act makes a very great and sudden reduction in the years 1841 and 1842. He doubted the wisdom of this provision at the time; but those who represented the manufacturing interest thought it was safer and better to reduce more slowly at first, and more rapidly at the end of the term, in order to avoid the possibility of a shock at the commencement. He thought experience had clearly shown that there could be no hazard in accelerating the rate of reduction now, in order to avoid the great and rapid descent of 1841 and 1842; and in this view, it seemed to him that it would be wise to distribute the remaining reduction equally on the six remaining years of the act. It was, however, but a suggestion.

Mr. C. observed, that had not this been the short session of Congress, he should have postponed the introduction of the present bill, and awaited the action of the Committee on Finance. But it was possible that committee might find it impracticable to reduce the revenue; and as there were but about two months of the session left, if something were not effected in the mean time, a large surplus might be left in the treasury, or rather in the deposit banks—left there to disturb and disorder the currency of the country; to cherish and foster a spirit of wild and boundless speculation, and be wielded for electioneering purposes. A standing surplus in the deposit banks was almost universally condemned. The President himself had denounced it in his message, and Mr. C. heartily agreed with him in every word he had said on that subject.

Before sending the bill to the Chair, he would take the liberty of expressing his hope that the subject would be discussed in the same spirit of moderation that had characterized the debates upon it last year. It was a noble example, and he hoped it would be followed. Let the subject be argued on great public grounds, and let all party spirit be sacrificed, on this great question, to the good of the country. Yet, he would say to the friends of the administration, that it was not from any fear, on party ground, that he uttered this sentiment; for he believed there was no subject which, in the hands of a skilful opposition, would be more fatal to power.

[The bill was, by consent, read twice; when Mr. Calhoun moved that it be made the order of the day for Monday next. He saw no necessity for its commitment.

Mr. Clay here rose, expressed his opposition to any essential modification of the Compromise Act, and urged the adoption of the proposition to distribute the proceeds of the sales of the public lands among the States, as the most efficient mode of getting rid of the surplus. He was followed by Mr. Walker of Mississippi, who moved to refer the bill to the Committee on Finance; and, during his remarks, charged Mr. Calhoun with the design of raising money for the purpose of distribution, and making the system the settled policy of the country.]

Mr. Calhoun, in reply, complained of having been entirely misstated by the Senator from Mississippi. He had not invoked the Senate to any such act, nor had he said any thing like it. But he had said that no administration could honestly plead any necessity for demanding back the deposits from the States, unless in the contingency of a foreign war. So far from having expressed a desire to create and distribute a surplus, he had, on the contrary, expressly declared that he should greatly prefer a reduction of the revenue, if it could be safely effected; and he had expressed his willingness to send the bill to a committee opposed to his own views, that,

if possible, this might be effected. Yet, the gentleman accused him of a design to create a surplus.

The gentleman had again said, that one of the arguments urged by him in favor of the Distribution Bill had been, that the deposit of the public money in banks was a great instrument of fraud and speculation. This was a great mistake. He had said no such thing. The President, however, had undertaken to legislate on the subject, and had issued an order, which was much more like an act of Congress than an executive measure. The President deemed the evil so great, and the remedy so specific, that he had ventured on a great stretch of power to realize the object. Now, after what the President had said on this subject, any man who should vote to leave the public money in deposit banks stood openly convicted of being in favor of speculators.

Mr. C. hoped the Senator would not persist in his motion to refer the bill to a committee which he knew to be utterly opposed to it. Nothing could be more unparliamentary. He hoped the gentleman would at least indulge him with a special committee.

[Here, after some remarks from Mr. Buchanan, in favor of the motion to refer the bill to the Committee of Finance, Mr. Walker again rose in support of his motion; and alleged that Mr. Calhoun, by not advocating the recommendation of the President in regard to a reduction of duties, was, in fact, voting to create a surplus for distribution.]

Mr. Calhoun rejoined and explained, with a view to show that the case of which the gentleman from Mississippi complained was not parallel to the present, and still insisted on the propriety of allowing him a special committee. If, however, the Senate should resolve to send this bill to the Committee of Finance, he should not be at a loss to understand the movement. He had read the President's

Message attentively. It was an extraordinary document. He read with no less care the report of the Secretary of the Treasury ; that, too, was an extraordinary document. The perusal had suggested some suspicions to his mind ; and should the present bill be sent to the Finance Committee, those suspicions would be fully confirmed. Such a measure would go far to convince him that the policy of the administration was agreed upon, and that it would be—to make a demonstration on a reduction of the revenue, but, in fact, to leave the revenue in the deposit banks. The end of this session was not far off, and that would tell whether he was not correct in his opinion. He would now, in his turn, venture to become a prophet ; and he would predict that, if the present motion succeeded, the very thing which the President in his Message had most decidedly condemned, would be the thing actually realized. Notwithstanding the President's opposition to the collecting of surplus revenue, and all he had said on its tendency to promote speculation and corrupt the public morals, that was the thing which would be done. He was sorry he did not see the Senator from New-York (Mr. Wright) in his place. On that gentleman, peculiarly, lies the obligation to provide for the reduction of the revenue. Mr. C. well knew the difficulty of touching this subject. He had himself had a full and sound trial of that operation. He knew the efforts by which the existing reduction had been effected, and he felt very sure that the Senator from New-York could not be sanguine in the expectation of effecting a reduction to any great amount. He had heard much said in private on that subject, and he could not but regret that the President, when alluding to it in his Message, had not referred to the difficulties attending it. Mr. C. thought he saw how things were to go, and he thus openly announced what his conviction was. He believed nothing would be done to reduce the revenue ; that the money would still be collected, and would be left, not

where it ought to be found, in the treasuries of the States, but in the deposit banks.

If the Finance Committee would report an adequate reduction, of the revenue, Mr. C. would consent to withdraw his bill. He should infinitely prefer a reduction to a distribution provided the thing could be done. In the meanwhile the South claimed the execution of the Compromise Bill; it had not only closed a long and painful controversy, but had enabled them to make some feeble stand against the progress of executive influence. He concluded by moving for a special committee.

[Here Mr. Rives of Virginia said something in support of the motion of the Senator from Mississippi, and taxed Mr. C. with inconsistency in voting to refer the question of reduction to the Committee on Finance, while he opposed the present motion.]

Mr. Calhoun repelled the charge of inconsistency. He had been in favor of sending the subject of a reduction of the revenue to the Committee on Finance, because he considered the subject as appropriate to their specific duties; but he was opposed to sending this bill to that committee, because they were known to be adverse to its object. In one case he had gone on the great parliamentary principle, that propositions were to be referred to committees favorable to the object proposed; and in the other case, he still had sent it to a committee at least not unfavorable to the measure. He was rejoiced to hear the honorable Senator from Virginia declare so explicitly that he did not repent the course he had taken in reference to the Compromise Bill. He was confident the gentleman never would have reason to repent the able and honorable course he had pursued on that memorable occasion; and he trusted the gentleman would agree in sentiment with those who were opposed to leaving the public money in the deposit banks. Mr. C. had given many evidences of his desire that a reduction should be made in the

revenue ; and had, the last session, sent a bill to the Committee on Manufactures for that object, which afterwards had passed the Senate almost unanimously, and had been sent to the other House, after which, it was never again heard of. He was not the man, however, to disturb the terms of the compromise, which had so happily been effected, unless it could be done by common consent. The South were prepared to assent to such a step, and if the North would also agree to it, there need be no difficulty in the case. The gentleman from Virginia seemed to suppose that, because it was the duty of the Finance Committee to consider the question, whether there was likely to be a surplus revenue or not, therefore, this bill ought to be sent to them. The argument was too wide ;—on the same principle, every proposition which related to the application of any portion of the public resources must be sent to that committee. It would swallow up almost all the business of the Senate. He concluded by demanding the yeas and nays on the question of commitment.

REMARKS

On Mr. Benton's proposition to apply the unexpended balances of Appropriations in the Treasury to objects of National Defence ; made in the Senate, December 28th, 1836.

[Mr. Benton, after stating the contents of the report of the Secretary of the Treasury (called for on his motion), showing the amount of unexpended balances of appropriations made at the last session, and commenting, at some length, on them, moved the printing of the document, and that five copies be sent to the Governor of each State, ten copies to each branch of the State Legislatures, and one thousand copies retained for the use of the Senate.

The main objects of the movement being to retain these balances in the treasury, and to withdraw from the States the surplus revenues which had been deposited with them, under an act of the previous session, Mr. Calhoun rose and said:]

He desired to make a very few remarks on the very extraordinary motion of the Senator from Missouri, and to ask for the yeas and nays on the question. The sending out this paper in the manner proposed, would make an erroneous impression on the minds of those to whom it would be sent, and would be an unusual departure from the ordinary practice of the Senate. Did not every Senator know that there was a large amount left in the treasury, say five millions of dollars, by the Deposit Law of the last session, for the purpose of meeting these balances? Did not every Senator know that, by the report of the Secretary of the Treasury, there were three millions of dollars of these appropriations that would not be wanted, and were therefore transferred to the surplus fund in pursuance of a standing law? And was there not besides, a large sum in the hands of the disbursing officers of the Government? He knew, Mr. C. said, that every exertion would be made in order to defeat the Deposit Bill at this session. He knew well that the battle was yet to be fought—a battle in which the people would be on one side, and the office-holders and office-seekers on the other. While up, he would refer to the Committee on Finance, and make one remark in reference to the report of that committee on the bill introduced by him a few days since, and, much against his wishes, referred to them. They had reported against the bill, and it was not strange that they should do so; because a majority of that committee were three out of the six who voted against the Deposit Bill at the last session. But what he complained of was, that they had reported it without one single word of explanation; the chairman simply saying that he was instructed by the committee to move for its indefinite postponement. He would now ask the chair-

man on what grounds he had reported against this bill? Was it because the committee were satisfied that there would not be a surplus? If so, said Mr. C., let us know it. I shall be glad to hear that such was their reason, because it is a debatable proposition. Was it because they would not have the surplus deposited with the States? If this was the case, it was directly contrary to the known sense of that body, expressed almost unanimously at the last session. He could scarcely believe that the committee reported against the bill on such grounds. With the denunciations of the President himself against the corrupting influence of a large surplus in the treasury, and his declarations that the worst disposition that could be made of it was to let it remain in the deposit banks, he did suppose that the committee could not contemplate either result. He could not believe but that, from courtesy, the chairman would make such a report as would put the Senate in possession of the grounds on which the committee objected to the bill.

[Here Mr. Wright rose, and, in a few remarks, objected to the inquiry, and declined making any direct response. He further stated, that the committee did not design to submit any detailed report, but that, when the bill of the Senator from South Carolina (to extend the provisions of the Deposit Act to the surplus revenues remaining in the treasury on the 1st of January, 1838) came up for consideration, he should feel bound to assign the reasons which governed the committee in the course they had adopted.]

Mr. Calhoun, in reply, said, that, although he very much regretted that they were not to have a detailed report, yet he must be permitted to say that he thought the course of the committee a very unusual one. A bill of acknowledged importance, if he might judge from the President's Message and the report of the Secretary of the Treasury, together with the course of the Senate last session, was, after a full debate, referred to the Committee on Finance, because that

committee was particularly constituted to advise on the subjects to which it related ; yet that committee treated it as one of the most insignificant questions, and despatched it without a written report. This all might be very right, but it certainly was very extraordinary and unusual.

He had been here many years, both as presiding officer and as a member of the body, and he must say, that this was the first time he had ever known a question to be put to the chairman of a committee which he refused to answer. As a representative of one of the States of this Union, he must say that he had a right to an answer. The bill had gone to the committee, had received its disapprobation, and the committee ought to let them know the grounds on which they objected to it. If there was no surplus, let us, said Mr. C., hear the committee say so. If there was one, then, said he, let us hear what objections the committee have to depositing it with the States. He made no complaints ; but he must say the course of the committee was very extraordinary.

[Mr. Hubbard of New Hampshire here made some remarks in opposition to the course adopted by the committee, and to the motion of Mr. Benton, as calculated, if not designed, to mislead the State Legislatures and the people.

Mr. Benton replied at some length in defence of the report, and his own course, when Mr. Calhoun again rose and remarked :]

That he found the information, which the gentleman from Missouri was so anxious to give the country, was already before the Senate in a very authentic form. It was to be found in the table of estimates accompanying the report of the Secretary of the Treasury. He argued that, according to the assertion of the Secretary of the Treasury, who estimated the unexpended balances of appropriations at $14,636,063, the sum of $3,013,389 would not be wanted. The Senator, therefore, in sending out a document, setting

forth that $14,500,000 were required for outstanding appropriations, would mislead the public, and make a false impression. Mr. C. contended that, taking the five millions which must be left in the treasury, on account of the Deposit Act, from the eleven and odd remaining of the fourteen millions, together with the money at present in the hands of the disbursing officers, there would be funds enough on hand, within a small amount, to meet the outstanding appropriations. Now, when it was admitted by every one that the surplus which would be on hand at the end of the next year would amount to at least twenty-five millions of dollars (and, for himself, he entertained no doubt that it would be thirty, unless the country should be disturbed by a war or some other unforeseen catastrophe), he would seriously ask, was there a Senator on the floor, of any party, who would say, in a time of profound peace (for he would not call the Seminole war interrupting the peace of the Union), and recollecting the fact that this administration came in as a reform administration, that a tax should be raised, or that the money distributed under the Deposit Bill should be refunded, in order to make extravagant appropriations? He (Mr. Calhoun) could not believe it. He knew that attempts would be made to prevent the renewal of the Deposit Act, though he could not say that this was one of them. But let him tell gentlemen that these attempts would only produce a reaction, and end in their defeat.

Mr. C., in conclusion, adverted to the subject of a reduction of the revenue, and the necessity of bringing it down to the legitimate wants of the Government. He insisted that the Committee on Finance, to whom was referred the consideration of this matter, were bound to show, in a satisfactory manner, either that there would be a surplus next year, or to admit the necessity of making an adequate reduction of the revenue.

[Mr. Benton here again rose, and spoke at some length.]

Mr. Calhoun, in reply, said: He had certainly made no complaint of inaccuracy on the part of the Secretary of the Treasury. He presumed that his calculations were perfectly accurate; but what he complained of was, that the Senator from Missouri proposed to send out a document which was not correct, with a view to show the outstanding appropriations remaining unsatisfied. He maintained that the document was entirely pernicious; for it set forth what was not really the truth of the case, and all that he desired was that the public should not be deceived on the subject.

SPEECH

On the bill for the Admission of Michigan, delivered in the Senate, Jan'y 2, 1837.

[Mr. Grundy moved that the previous orders of the day be postponed, for the purpose of considering the Bill to admit the State of Michigan into the Union.

Mr. Calhoun was opposed to the motion; the documents accompanying the Bill had but this morning been laid upon the table, and no time had been allowed for even reading them over.

Mr. Grundy insisted on his motion. Of one point he was fully satisfied, that Michigan had a right to be received into the Union; on this, he presumed, there would be but little difference of opinion, the chief difficulty having respect to the mode in which it was to be done. There seemed more difference of opinion, and he presumed there would be more debate, touching the preamble than concerning the Bill itself; but he could not consent to postpone the subject. Congress was daily passing laws, the effect of which pressed immediately upon the people of Michigan, and concerning which they were entitled to have a voice and a vote upon this floor; and, therefore, the Bill for their admission ought to receive the immediate action of the Senate. As to the docu-

ments, they were not numerous. The gentleman from South Carolina might readily run his eye over them, and he would perceive that the facts of the case were easily understood. Indeed, there was but one of any consequence, respecting which there was any controversy. When the Senate adjourned on Thursday, many Senators had been prepared and were desirous to speak, although the documents were not then printed. It was the great principles involved in the case which would form the subjects of discussion, and they could as well be discussed now. He thought the Senate had better proceed. One fact in the case was very certain; there had been more votes for the members to the last convention than for the first. How many more was a matter of little comparative consequence. The great question for the Senate to consider was this: What is the will of Michigan on the subject of entering the Union?

If this should be decided, it was of less consequence whether the Bill should or should not expressly state that the last convention, and the assent by it given, formed the ground of the admission of the State.

Mr. Calhoun here inquired whether the chairman of the committee was to be understood as being now ready to abandon the preamble? If the Judiciary Committee were agreed to do this, he thought all difficulty would be at an end.

Mr. Grundy replied, that, as chairman of the Judiciary Committee he had no authority to reply to the inquiry, but, as an individual, he considered the preamble as of little consequence, and he should vote for the Bill whether it were in or out. Michigan ought undoubtedly to be admitted, and all the consequences would result, whether the preamble were retained or not. He had received no authority from the committee to consent that it should be stricken out. For himself he was settled in the belief that Congress possessed full power to prescribe the boundaries of a territory, and that when that territory passed into a State the right remained still the same. Congress had already established the boundary of Ohio, and that settled the question. He never had perceived the necessity of inserting in the Admission Bill the section which made the assent of Michigan to the boundaries fixed for her by Congress a prerequisite to her admission, because the disputed boundary line was fixed by another bill; and whether the preamble to this Bill should be retained or not, Michigan could not pass the line, so that the preamble was really of very little consequence.

Mr. Calhoun said that, in inquiring of the honorable chairman whether he intended to abandon the preamble of the Bill, his question had had respect not to any pledge respecting boundaries, but to the recognition of the second convention and of its doings. He wanted to know whether the chairman was ready to abandon that principle. He had examined the subject a good deal, and his own mind was fully made up that Michigan could not be admitted on the ground of that second convention; but the Senate might set aside the whole of what had been done, and receive Michigan as she stood at the commencement of the last session.

Mr. Grundy observed that, if the gentleman's mind was fully made up, then there could be no necessity of postponing the subject. The gentleman has fully satisfied himself, and now, said Mr. G., let us see if he can satisfy us. His argument, it seems, has been fully matured, and we are now ready to listen to it. Though I consider that there is no virtue in the preamble, and that the effect of the Bill will be the same whether it is stricken out or retained; yet I am not ready to say that I shall vote to strike it out. I am ready to hear what can be said both for and against it.

The question was now put on the motion of Mr. Grundy to postpone the previous orders, and carried, 22 to 16. So the orders were postponed, and the Senate proceeded to consider the bill, which having been again read at the Clerk's table as follows:

A Bill to admit the State of Michigan into the Union upon an equal footing with the original States.

Whereas, in pursuance of the act of Congress of June the fifteenth, eighteen hundred and thirty-six, entitled "An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed," a convention of delegates, elected by the people of the said State of Michigan, for the sole purpose of giving their consent to the boundaries of the said State of Michigan as described, declared, and established, in and by the said act, did on the fifteenth of December, eighteen hundred and thirty-six, assent to the provisions of said act: therefore,

Be it enacted, &c. That the State of Michigan shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury, in carrying into effect the thirteenth and fourteenth sections of the twenty-third of June, eighteen hundred and thirty-six, entitled "An act to regulate the deposits of the public money," shall consider the State of Michigan as being one of the United States.

Mr. Calhoun then rose and addressed the Senate as follows:]

I HAVE bestowed on this subject all the attention that was in my power, and, although actuated by a most anxious desire for the admission of Michigan into the Union, I find it impossible to give my assent to this bill. I am satisfied the Judiciary Committee has not bestowed upon the subject all that attention which its magnitude requires; and I can explain, on no other supposition, why they should place the admission on the grounds they have. One of the committee, the Senator from Ohio on my left (Mr. Morris), has pronounced the grounds dangerous and revolutionary. He might have gone further, and with truth pronounced them utterly repugnant to the principles of the constitution.

I have not ventured this assertion, as strong as it is, without due reflection, and weighing the full force of the terms I have used; and do not fear, with an impartial hearing, to establish its truth beyond the power of controversy.

To understand fully the objection to this bill, it is necessary that we should have a correct conception of the facts. They are few, and may be briefly told.

Some time previous to the last session of Congress, the Territory of Michigan, through its Legislature, authorized the people to meet in convention, for the purpose of forming a State Government. They met accordingly, and agreed upon a constitution, which they forthwith transmitted to Congress. It was fully discussed in this Chamber, and, objectionable as the instrument was, an act was finally passed, which accepted the constitution, and declared Michigan to be a State, and admitted into the Union, on the single condition,

that she should, by a convention of the people, assent to the boundaries prescribed by the act. Soon after our adjournment the Legislature of the State of Michigan (for she had been raised by our assent to the dignity of a State) called a convention of the people of the State, in conformity to the act—which met at the time appointed, at Ann Arbor. After full discussion, the convention withheld its assent, and formally transmitted the result to the President of the United States. This is the first part of the story. I will now give the sequel. Since then, during the last month, a self-constituted assembly met,—professedly as a convention of the people of the State,—but without the authority of the State. This unauthorized and lawless assemblage assumed the high function of giving the assent of the State of Michigan to the condition of admission, as prescribed in the act of Congress. They communicated their assent to the Executive of the United States, and he to the Senate. The Senate referred his message to the Committee on the Judiciary, and that committee reported this bill for the admission of the State.

Such are the facts out of which grows the important question, Had this self-constituted assembly the authority to assent for the State? Had they the authority to do what is implied in giving assent to the condition of admission? That assent introduces the State into the Union, and pledges it in the most solemn manner to the constitutional compact which binds these States in one confederated body; imposes on her all its obligations, and confers on her all its benefits. Had this irregular, self-constituted assemblage the authority to perform these high and solemn acts of sovereignty in the name of the State of Michigan? She could only come *in as a State*, and none could act or speak for her without her express authority; and to assume the authority without her sanction is nothing short of treason against the State.

Again: the assent to the conditions prescribed by Congress implies an authority in those who gave it, to supersede

in part the constitution of the State of Michigan; for her constitution fixes the boundaries of the State as part of that instrument which the condition of admission entirely alters, and to that extent the assent would supersede the constitution; and thus the question is presented, whether this self-constituted assembly, styling itself a convention, had the authority to do an act which necessarily implies the right to supersede, in part, the constitution.

But further: the State of Michigan, through its legislature, authorized a convention of the people, in order to determine whether the condition of admission should be assented to or not. The convention met; and, after mature deliberation, it dissented from the condition of admission; and thus again the question is presented, whether this self-called, self-constituted assemblage, this caucus—for it is entitled to no higher name—had the authority to annul the dissent of the State, solemnly given by a convention of the people, regularly convoked under the express sanction of the constituted authorities of the State?

If all or any of these questions be answered in the negative—if the self-created assemblage of December had no authority to speak in the name of the State of Michigan—if none to supersede any portion of her constitution—if none to annul her dissent to the condition of admission regularly given by a convention of the people of the State, convoked by the authority of the State—to introduce her on its authority would be, not only revolutionary and dangerous, but utterly repugnant to the principles of our constitution. The question then submitted to the Senate is, Had that assemblage the authority to perform these high and solemn acts?

The chairman of the Committee on the Judiciary holds that this self-constituted assemblage had the authority; and what is his reason? Why, truly, because a greater number of votes were given for those who constituted that assemblage than for those who constituted the convention of the

people of the State, convened under its constituted authorities. This argument resolves itself into two questions—the first of fact, and the second of principle. I shall not discuss the first. It is not necessary to do so. But if it were, it would be easy to show that never was so important a fact so loosely testified. There is not one particle of official evidence before us. We had nothing but the private letters of individuals, who do not know even the numbers that voted on either occasion; they know nothing of the qualification of voters, nor how their votes were received, nor by whom counted. Now, none knows better than the honorable chairman himself, that such testimony as is submitted to us to establish a fact of this moment, would not be received in the lowest magistrate's court in the land. But I waive this. I come to the question of the principle involved; and what is it? The argument is, that a greater number of persons voted for the last convention than for the first; and therefore the acts of the last of right abrogated those of the first; in other words, *that mere numbers*, without regard to the forms of law, or the principles of the constitution, give authority. *The authority of numbers, according to this argument, sets aside the authority of the law and the constitution.* Need I show that such a principle goes to the entire overthrow of our constitutional Government, and would subvert all social order? It is the identical principle which prompted the late revolutionary and anarchical movement in Maryland, and which has done more to shake confidence in our system of government than any event since the adoption of our constitution,—but which, happily, has been frowned down by the patriotism and intelligence of the people of that State.

What was the ground of this insurrectionary measure, but that the government of Maryland did not represent the voice of the numerical majority of the people of Maryland, and that the authority of law and constitution was nothing against that of numbers? Here we find, on this floor, and

from the head of the Judiciary Committee, the same principle revived, and, if possible, in a worse form; for, in Maryland, the anarchists assumed that they were sustained by the numerical majority of the people of the State in their revolutionary movements; but the utmost the chairman can pretend to have is a mere plurality. The largest number of votes claimed for this self-created assemblage is 8,000; and no man will undertake to say that this constitutes any thing like a majority of the voters of Michigan: and he claims the high authority which he does for it, not because it is a majority of the people of Michigan, but because it is a greater number than voted for the authorized convention of the people that refused to agree to the condition of admission. It may be shown by his own witness, that a majority of the voters of Michigan greatly exceed 8,000. Mr. Williams, the president of the self-created assemblage, states that the population of that State amounted to nearly 200,000 persons. If so, there cannot be less than from 21,000 to 30,000 voters, considering how nearly universal the right of suffrage is under its constitution; and it thus appears that this irregular, self-constituted meeting, did not represent the vote of one-third of the State: and yet, on a mere principle of plurality, we are to supersede the constitution of Michigan, and annul the act of a convention of the people regularly convened under the authority of the government of the State.

But, says the Senator from Pennsylvania (Mr. Buchanan), this assembly was not self-constituted. It met under the authority of an act of Congress; and that act had no reference to the State, but only to the people; and that the assemblage in December was just such a meeting as that act contemplated. It is not my intention to discuss the question, whether the honorable Senator has given a plausible interpretation to the act; but, if he has, I could very easily show his interpretation to be erroneous; for, if such had been the intention of

Congress, the act surely would have specified the time when the convention was to be held—who were to be the managers —who the voters—and would not have left it to individuals, who might choose to assume the authority to determine all these important points. I might also readily show that the word "convention" of the people, as used in law or the constitution, always means a meeting of the people regularly convened *by the constituted authority of the States*, in their high sovereign capacity, and never such an assemblage as the one in question. But I waive this; I take higher ground. If the act be, indeed, such as the Senator says it is, then I maintain that it is utterly opposed to the fundamental principles of our Federal Union. Congress has no right whatever to *call a convention in a State.* It can call but one convention, and that is a convention of the United States to amend the federal constitution; nor can it call that, except authorized by two-thirds of the States.

Ours is a Federal Republic—a union of States. Michigan is a State,—a State in the course of admission,—and differing only from the other States in her federal relations. She is declared to be a State in the most solemn manner by your own act. She can come into the Union only as a State; and by her voluntary assent, given by the people of the State in convention, called by the constituted authorities of the State. To admit the State of Michigan on the authority of a self-created meeting, or one called by the direct authority of Congress, passing by the authorities of the State, would be the most monstrous proceeding under our constitution that can be conceived; the most repugnant to its principles, and dangerous in its consequences. It would establish a direct relation between the individual citizens of a State and the General Government, in utter subversion of the federal character of our system. The relation of their citizens to this Government, is through the States exclusively. They are subject to its authority and laws only because the State

has assented to it. If *she* dissents, *their* assent is nothing; on the other hand, if *she* assents, *their* dissent is nothing. It is through the State, then, and through the State alone, that the United States Government can have any connection with the people of a State; and does not, then, the Senator from Pennsylvania see, that if Congress can authorize a convention of the people in the State of Michigan, without the authority of the State—it matters not what is the object—it may in like manner authorize conventions in any other State for whatever purpose it may think proper.

Michigan is as much a sovereign State as any other—differing only, as I have said, as to her federal relations. If we give our sanction to the assemblage of December, on the principle laid down by the Senator from Pennsylvania, then we establish the doctrine that Congress has power to call, at pleasure, conventions within the States. Is there a Senator on this floor who will assent to such a doctrine? Is there one especially, who represents the smaller States of this Union, or the weaker section? Admit the power, and every vestige of State Rights would be destroyed. Our system would be subverted; and instead of a *confederacy of free and sovereign States*, we would have all power concentrated here, and this would become the most odious despotism. He, indeed, must be blind, who does not see that such a power would give the Federal Government a complete control of all the States. I call upon Senators now to arrest a doctrine so dangerous. Let it be remembered, that, under our system, bad precedents live for ever; good ones only perish. We may not feel all the evil consequences at once, but this precedent, once set, will surely be revived, and will become the instrument of infinite evil.

It will be asked, what shall be done? Will you refuse to admit Michigan into the Union? I answer, no: I desire to admit her; and if the Senators from Indiana and Ohio will agree, am ready to admit her as she stood at the begin-

ning of the last session, without giving sanction to the unauthorized assemblage of December.

But if this does not meet their wishes, there is still another way, by which she may be admitted. We are told two-thirds of the legislature and people of Michigan are in favor of accepting the conditions of the act of last session. If that be the fact, then all that is necessary is, that the legislature shall call another convention. All difficulty will thus be removed, and there will be still abundant time for her admission at this session. And shall we, for the sake of gaining a few months, give our assent to a bill fraught with principles so monstrous as this ?

We have been told that, unless she is admitted immediately, it will be too late for her to receive her proportion of the surplus revenue under the Deposit Bill. I trust that, on so great a question, a difficulty like this will have no weight. Give her at once her full share. I am ready to do so at once, without waiting her admission. I was mortified to hear, on so grave a question, such motives assigned for her admission, contrary to the law and the constitution. Such considerations ought not to be presented when we are settling great constitutional principles. I trust that we shall pass by all such frivolous motives on this occasion, and take ground on the great and fundamental principle that an informal, irregular, self-constituted assembly—a mere caucus, has no authority to speak for a sovereign State in any case whatever ; to supersede its constitution, or to reverse its dissent deliberately given by a convention of the people of the State, regularly convened under its constituted authorities.

SPEECH

On the same subject, delivered in the Senate, January 5, 1837.

[Mr. Grundy, chairman of the Committee on the Judiciary, having moved that the Bill to admit the State of Michigan into the Union be now read a third time—

Mr. Calhoun addressed the Senate in opposition to the Bill.]

I have, said Mr. C., been connected with this Government more than half the term of its existence, in various capacities; and during that long period I have looked on its action with attention, and have endeavored to make myself acquainted with the principles and character of our political institutions,—and I can truly say that, within that time, no measure has received the sanction of Congress which has appeared to me more unconstitutional and dangerous than the present. It assails our political system in its *weakest point*, and where, *at this time, it most requires defence.*

The great and leading objections to the bill rest mainly on the ground that Michigan is a State. They have been felt by its friends to have so much weight, that its advocates have been compelled to deny the fact, as the only way of meeting the objections. Here, then, is the main point at issue between the friends and the opponents of the bill. It turns on a fact, and that fact presents the question, Is Michigan a State?

If, said Mr. C., there ever was a party committed on a fact —if there ever was one estopped from denying it—that party is the present majority in the Senate,—and that fact is, that Michigan is a State. It is the very party who urged through this body, at the last session, a bill for the admission of the State of Michigan—which accepted her constitution, and

declared in the most explicit and strongest terms that *she was a State.* I will not take up the time of the Senate by reading this solemn declaration. It has frequently been read during this debate, is familiar to all who hear me, and has not been questioned or denied. But it has been said there is a condition annexed to the declaration, with which she must comply, before she can become a State. There is, indeed, a condition; but it has been shown by my colleague and others, from the plain wording of the act, that the condition is not attached to the acceptance of the constitution, nor the declaration that she is a State, but simply to her *admission* into the Union. I will not repeat the argument, but, in order to place the subject beyond controversy, I shall recall to memory the history of the last session, as connected with the admission of Michigan. The facts need but to be referred to, in order to revive their recollection.

There were two points proposed to be effected by the friends of the bill at the last session. The first was to settle the controversy, as to boundary, between Michigan and Ohio; and it was this object alone which imposed the condition that Michigan should assent to the boundary prescribed by the act as the condition of her admission. But there was another object to be accomplished. Two respectable gentlemen, who had been elected by the State as Senators, were then waiting to take their seats on this floor; and the other object of the bill was to provide for their taking their seats as Senators on the admission of the State,—and for this purpose it was necessary to make the positive and unconditional declaration that Michigan was a State,—as a State only could choose Senators, by an express provision of the constitution; and hence the admission was made conditional, and the declaration that she was a State was made absolute, in order to effect both objects. To show that I am correct, I will ask the Secretary to read the third section of the bill.

[The section was read accordingly as follows:—

"SECT. 3. *And be it further enacted*, That, as a compliance with the fundamental condition of admission contained in the last preceding section of this act, the boundaries of the said State of Michigan, as in that section described, declared and established, shall receive the assent of a convention of delegates elected by the people of said State, for the sole purpose of giving the assent herein required; and as soon as the assent herein required shall be given, the President of the United States shall announce the same by proclamation; and thereupon, and without any further proceedings on the part of Congress, the admission of the said State into the Union, as one of the United States of America, on an equal footing with all the original States in every respect whatever, shall be considered as complete, and the Senators and Representatives who have been elected by the said State as its representative in the Congress of the United States, shall be entitled to take their seats in the Senate and House of Representatives respectively, without further delay."]

Mr. Calhoun then asked—Does not every Senator see the two objects—the one to settle the boundary, and the other to admit her Senators to a seat in this body; and that the section is so worded as to effect both, in the manner I have stated? If this needed confirmation, it would be found in the debate on the passage of the bill, when the ground was openly taken by the present majority, that Michigan had a right to form her constitution, under the ordinance of 1787, without our consent; and that she was of right, and in fact, a State, beyond our control.

I will, said Mr. C., explain my own views on this point, in order that the consistency of my course at the last and present session may be clearly seen.

My opinion was, and still is, that the movement of the people of Michigan in forming for themselves a State constitution, without waiting for the assent of Congress, was revolutionary, as it threw off the authority of the United States over the territory; and that we were left at liberty to treat the proceedings as revolutionary, and to remand her to her territorial condition,—or to waive the irregularity, and to re-

cognize what was done as rightfully done,—as our authority alone was concerned.

My impression was, that the former was the proper course; but I also thought that the act remanding her back should contain our assent in the usual manner for her to form a constitution, and thus to leave her free to become a State. This, however, was overruled. The opposite opinion prevailed,—that she had a perfect right to do what she had done, and that she was, as I have stated, a State both in fact and right, and that we had no control over her; and our act accordingly recognized her as a State, from the time she had adopted her constitution, and admitted her into the Union on the condition of her assenting to the prescribed boundaries. Having thus solemnly recognized her as a State, we cannot now undo what was then done. There were, in fact, many irregularities in the proceedings, all of which were urged in vain against its passage; but the Presidential election was then pending, and the vote of Michigan was considered of sufficient weight to overrule all objections, and correct all irregularities. They were all accordingly overruled, and we cannot now go back.

Such was the course, and such the acts of the majority at the last session. A few short months have since passed. Other objects are now to be effected, and all is forgotten as completely as if they had never existed. The very Senators who then forced the act through, on the ground that Michigan was a State, have wheeled completely round, to serve the present purpose, and taken directly the opposite ground! We live in strange and inconsistent times. Opinions are taken up and laid down, as suits the occasion, without hesitation, or the slightest regard to principle or consistency. It indicates an unsound state of the public mind, pregnant with future disasters.

I turn to the position now assumed by the majority to suit the present occasion; and, if I mistake not, it will be

found as false in fact, and as erroneous in principle, as it is inconsistent with that maintained at the last session. They now take the ground, that Michigan is not a State, and cannot, in fact, be a State till she is admitted into the Union; and this on the broad principle that a territory cannot become a State till admitted. Such is the position distinctly taken by several of the friends of this bill, and implied in the arguments of nearly all who have spoken in its favor. In fact, its advocates had no choice. As untenable as it is, they were forced on this desperate position. They had no other which they could occupy.

I have shown that it is directly in the face of the law of the last session, and that it denies the recorded acts of those who now maintain it. I now go further, and assert that it is in direct opposition to plain and unquestionable matter of fact. There is no fact more certain than that Michigan is a State. She is in the full exercise of sovereign authority, with a legislature and a chief magistrate. She passes laws; she executes them; she regulates titles; and even takes away life—all on her own authority. Ours has entirely ceased over her; and yet there are those who can deny, with all these facts before them, that she is a State. They might as well deny the existence of this Hall! We have long since assumed unlimited control over the constitution, to twist, and turn, and deny it, as it suited our purpose;—and it would seem that we are presumptuously attempting to assume like supremacy over facts themselves, as if their existence or non-existence depended on our volition. I speak freely. The occasion demands that the truth should be boldly uttered.

But those who may not regard their own recorded acts, nor the plain facts of the case, may possibly feel the awkward condition in which coming events may shortly place them. The admission of Michigan is not the only point involved in the passage of this bill. A question will follow,—which may

be presented to the Senate in a very few days,—as to the right of Mr. Norvell and Mr. Lyon, the two respectable gentlemen who have been elected Senators of Michigan, to take their seats in this Hall. The decision of this question will require a more sudden facing about than has been yet witnessed. It required seven or eight months for the majority to wheel about from the position maintained at the last session to that taken at this, but there may not be allowed them now as many days to wheel back to the old position. These gentlemen cannot be refused their seats after the admission of the State by those gentlemen who passed the act of the last session. It provides for the case. I now put it to the friends of this bill, and I ask them to weigh the question deliberately—to bring it home to their bosoms and consciences before they answer—Can a territory elect Senators to Congress? The constitution is express; *States* only can choose Senators. Were not these gentlemen chosen long before the admission of Michigan; before the Ann Arbor meeting, and while Michigan was, according to the doctrines of the friends of this bill, a territory? Will they, in the face of the constitution, which they are sworn to support, admit as Senators on this floor those who, by their own statement, were elected by a territory? These questions may soon be presented for decision. The majority, who are forcing this bill through, are already committed by the act of the last session, and I leave them to reconcile, as they can, the ground they now take with the vote they must give when the question of their right to take their seats is presented for decision.

A total disregard of all principle and consistency has so entangled this subject, that there is but one mode left of extricating ourselves without trampling the constitution in the dust; and that is, to return back to where we stood when the question was first presented; to acquiesce in the right of Michigan to form a constitution, and erect herself into a

State, under the ordinance of 1787; and to repeal so much of the act of the last session as prescribed the condition on which she was to be admitted. This was the object of the amendment which I offered last evening, in order to relieve the Senate from its present dilemma. The amendment involved the merits of the whole case. It was too late in the day for discussion, and I asked for indulgence till to-day, that I might have an opportunity of presenting my views. Under the iron rule of the present majority, the indulgence was refused, and the bill ordered to its third reading; and I have been thus compelled to address the Senate when it is too late to amend the bill, and after a majority have committed themselves both as to its principles and details. Now, of such proceedings I complain not. I, as one of the minority, ask no favors. All I ask is, that the constitution be not violated. Hold it sacred, and I shall be the last to complain.

I now return to the assumption, that a territory cannot become a State till admitted into the Union, which is now relied on with so much confidence to prove that Michigan is not a State. I reverse the position. I assert the opposite, that a territory cannot be admitted till she becomes a State; and in this, I stand on the authority of the constitution itself, which expressly limits the power of Congress to admitting new *States* into the Union. But, if the constitution had been silent, he would indeed be ignorant of the character of our political system, who does not see that States, sovereign and independent communities, and not territories, can only be admitted. Ours is *a Union of States, a Federal* Republic. States, and not territories, form its component parts, bound together by a solemn league, in the form of a constitutional compact. In coming into the Union, the State pledges its faith to this sacred compact; an act which none but a sovereign and independent community is competent to perform; and, of course, a territory must first be raised to that condition before she can take her stand among the confederated

States of our Union. How can a territory pledge its faith to the constitution? It has no will of its own. You give it all its powers, and you can at pleasure overrule all her actions. If she enters as a territory, the act *is yours, not hers. Her consent is nothing without your authority and sanction.* Can you—can Congress, become a party to the constitutional compact? How absurd.

But I am told, if this be so, if a territory must become a State before it can be admitted, it would follow that she might refuse to enter the Union after she had acquired the right of acting for herself. Certainly she may. A State cannot *be forced* into the Union. She must come in *by her own free assent*, given in her highest sovereign capacity through a convention of the people of the State. Such is the constitutional provision; and those who make the objection must overlook both the constitution and the elementary principles of our Government, of which the right of *self-government is the first;* the right of every people to form their own government, and to determine their political condition. This is the doctrine on which our fathers acted in our glorious Revolution, which has done more for the cause of liberty throughout the world than any event within the records of history,—and on which the Government has acted from the first, as regards all that portion of our extensive territory that lies beyond the limits of the original States. Read the ordinance of 1787, and the various acts for the admission of new States, and you will find the principle invariably recognized and acted on, to the present unhappy instance, without any departure from it, except in the case of Missouri. The admission of Michigan is destined, I fear, to mark a great change in the history of the admission of new States; a total departure from the old usage, and the noble principle of self-government on which that usage was founded. Every thing, thus far, connected with her admission, has been irregular and monstrous. I trust it is not ominous. Surrounded by

lakes within her natural limits (which ought not to have been departed from), and possessed of fertile soil and genial climate, with every prospect of wealth, power, and influence, who but must regret that she should be ushered into the Union in a manner so irregular and unworthy of her future destiny.

But I will waive these objections, constitutional and all. I will suppose, with the advocates of the bill, that a territory cannot become a State till admitted into the Union. Assuming all this, I ask them to explain to me *how the mere act of admission can transmute a territory into a State?* By whose authority would she be made a State? By ours? How can we make a State? We can form a territory; we can admit States into the Union; but, I repeat the question, how can we make a State? I had supposed this Government was the creature of the States—formed by their authority, and dependent on their will for its existence. Can the creature form the creator? If not by our authority, then by whose? Not by her own—that would be absurd. The very act of admission makes her a member of the Confederacy, with no other or greater power than is possessed by all the others; all of whom, united, cannot create a State. By what process, then, by what authority, can a territory become a State, if not one before it is admitted? Who can explain? How full of difficulties, compared to the long established, simple, and noble process which has prevailed to the present instant. According to old usage, the General Government first withdraws its authority over a certain portion of its territory, as soon as it has a sufficient population to constitute a State. They are thus left to themselves freely to form a constitution, and to exercise the noble right of self-government. They then present their constitution to Congress, and ask *the privilege* (for one it is of the highest character) to become a member of this glorious confederacy of States. The constitution is examined,—and, if republican, as required

by the federal constitution, she is admitted, with no other condition except such as may be necessary to secure the authority of Congress over the public domain within her limits. This is the old, the established form, instituted by our ancestors of the Revolution, who so well understood the great principles of liberty and self-government. How simple! how sublime! What a contrast to the doctrines of the present day, and the precedent which, I fear, we are about to establish! And shall we fear, so long as these sound principles are observed, that a State will reject this high privilege—will refuse to enter this Union? No; she will rush into your embrace, so long as your institutions are worth preserving. When the advantages of the Union shall have become a matter of calculation and doubt; when new States shall pause to determine whether the Union is a curse or blessing, the question which now agitates us will cease to have any importance.

Having now, I trust, established beyond all controversy, that Michigan is a State, I come to the great point at issue —to the decision of which all that has been said is but preparatory—Had the self-created assembly which met at Ann Arbor the authority to speak in the name of the people of Michigan; to assent to the conditions contained in the act of the last session; to supersede a portion of the constitution of the State, and to overrule the dissent of the convention of the people—regularly called by the constituted authorities of the State—to the condition of admission? I shall not repeat what I said when I first addressed the Senate on this bill. We all, by this time, know the character of that assemblage; that it met without the sanction of the authorities of the State; and that it did not pretend to represent one-third of the people. We all know that the State had regularly convened a convention of the people, expressly to take into consideration the condition on which it was proposed to admit her into the Union; and that the convention, after full

deliberation, had declined to give its assent by a considerable majority. With a knowledge of all these facts, I put the question—Had the assembly a right to act for the State? Was it a convention of the people of Michigan in the true, legal, and constitutional sense of that term? Is there one within the limits of my voice, that can lay his hand on his breast, and honestly say, it was? Is there one that does not feel that it was neither more nor less than a *mere caucus*—nothing but a *party caucus*—of which we have the strongest evidence in the perfect unanimity of those who assembled? Not a vote was given against admission. Can there be stronger proof that it was a meeting got up by party machinery, for party purpose?

But I go further. It was not only a party caucus, for party purpose, *but a criminal meeting*—a meeting to subvert the authority of the State, and to assume its sovereignty. I know not whether Michigan has yet passed laws to guard her sovereignty. It may be that she has not had time to enact laws for this purpose, which no community is long without; but I do aver, if there be such an act, or if the common law be in force in the State, the actors in that meeting might be indicted, tried, and punished *for the very act on which it is now proposed to admit the State into the Union.* If such a meeting as this were to undertake to speak in the name of South Carolina, we would speedily teach its authors what they owed to the authority and dignity of the State. The act was not only in contempt of the authority of the State of Michigan, but a direct insult to this Government. Here is a self-created meeting, convened for a criminal object, which has dared to present to this Government an act of theirs, and to ask that we receive it as a fulfilment of the condition which we had prescribed for the admission of the State! Yet, I fear, forgetting our own dignity, and the rights of Michigan, that we are about to

recognize the validity of the act, and quietly to submit to the insult.

The year 1836, said Mr. C., is destined to mark the most remarkable change in our political institutions, since the adoption of the constitution. The events of the year have made a deeper innovation on the principles of the constitution, and evinced a stronger tendency to revolution, than any which have occurred from its adoption to the present day. Sir, said Mr. C. (addressing the Vice-President), duty compels me to speak of facts intimately connected with yourself. In deference to your feelings as presiding officer of the body, I shall speak of them with all possible reserve—much more reserve than I should otherwise have done if you did not occupy that seat. Among the first of these events, which I shall notice, is the caucus at Baltimore; that too, like the Ann Arbor caucus, has been dignified with the name of a convention of the people. This caucus was got up under the countenance and express authority of the President himself; and its edict, appointing you his successor, has been sustained,—not only by the whole patronage and power of the Government, but by his active personal influence and exertion. Through its instrumentality he has succeeded in controlling the voice of the people, and for the first time the President has appointed his successor; and thus, the first great step—of converting our Government into a monarchy, has been sustained. These are solemn and ominous facts. No one who has examined the result of the last election can doubt their truth. It is now certain that you are not the free and unbiased choice of the people of these United States. If left to your own popularity,—without the active and direct influence of the President, and the power and patronage of the Government, acting through a mock convention of the people,—instead of the highest, you would, in all probability, have been the lowest of the candidates.

During the same year, the State in which this ill-omened caucus convened, has been agitated by revolutionary movements of the most alarming character. Assuming the dangerous doctrine that they were not bound to obey the injunctions of the constitution, because it did not place the powers of the State in the hands of an unchecked numerical majority, the electors belonging to the party of the Baltimore caucus, who had been chosen to appoint the State Senators, refused to perform the functions for which they had been elected, with the deliberate intention of subverting the government of the State, and reducing her to the condition of a territory, till a new government could be formed. And now we have before us a measure, not less revolutionary, but of an opposite character. In the case of Maryland, those who undertook, without the authority of law or constitution, to speak and act in the name of the people of the State, proposed to place her out of the Union by reducing her from a State to a territory; but in this, those who, in like manner, undertook to act for Michigan, have assumed the authority to bring her into the Union without her consent, the very condition which she had rejected by a convention of the people, convened under the authority of the State. If we sanction the authority of the Michigan caucus to force a State into the Union without its consent, why might we not here sanction a similar caucus in Maryland, if one had been called, to place the State out of the Union?

These occurrences, which have distinguished the past year, mark the commencement of no ordinary change in our political system. They announce *the ascendency of the caucus system over the regularly constituted authorities of the country.* I have long anticipated this event. In early life my attention was attracted to the working of the caucus system. It was my fortune to spend five or six years of my youth in the northern portion of the Union, where, unfortu-

nately, the system has so long prevailed. Though young, I was old enough to take interest in public affairs, and to notice the working of this odious party machine; and, after reflection, with the experience then acquired, has long satisfied me that, in the course of time, the edicts of the caucus would eventually supersede the authority of law and constitution. We have at last arrived at the commencement of this great change which is destined to go on till it has consummated itself in the entire overthrow of all legal and constitutional authority, unless speedily and effectually resisted. The reason is obvious: for obedience or disobedience to the edicts of the caucus, where the system is firmly established, is more certainly and effectually rewarded or punished, than obedience to the laws and to the constitution. Disobedience to the former is sure to be followed by complete political disfranchisement. It deprives the unfortunate individual who falls under its vengeance, of all public honors and emoluments, and consigns him, if dependent on the Government, to poverty and obscurity; while he who bows down before its mandates, it matters not how monstrous, secures to himself the honors of the State—becomes rich, and distinguished, and powerful. Offices, jobs, and contracts, flow on him and his connections. But to obey the law and respect the constitution, for the most part brings little except the approbation of conscience—a reward, indeed, high and noble, and prized by the virtuous above all other,—but, unfortunately, little valued by the mass of mankind. It is easy to see what must be the end, unless indeed, an effective remedy be applied. Are we so blind as not to see in this why it is that the advocates of this bill—the friends of the system, are so tenacious on the point that Michigan should be admitted on the authority of the Ann Arbor caucus, and on no other? Do we not see why the amendment proposed by myself to admit her, by rescinding the condition imposed at the last session, should be so strenuously op-

posed? Why, even the preamble would not be surrendered; though many of our friends were willing to vote for the bill on that slight concession, in their anxiety to admit the State.

And here let me say, that I listened with attention to the speech of the Senator from Kentucky (Mr. Crittenden). I know the clearness of his understanding, and the soundness of his heart; and I am persuaded, in declaring that his objection to the bill was confined to the preamble, that he has not investigated the subject with the attention it deserves. I feel the objections to the preamble are not without some weight; but the true and insuperable objections lie far deeper in the facts of the case, which would still exist were the preamble expunged. It is these which render it impossible to pass this bill without trampling under foot the rights of the States, and subverting the first principles of our Government. It would require but a few steps more to effect a complete revolution,—and the Senator from North Carolina has taken the first. I will explain. If you wish to mark the first indications of a revolution,—the commencement of those profound changes in the character of a people which are working beneath before a ripple appears on the surface,—look to the change of language. You will first notice it in the altered meaning of important words;—which, as it indicates a change in the feelings and principles of the people, becomes, in turn, a powerful instrument in accelerating the change, till an entire revolution is effected. The remarks of the Senator will illustrate what I have said. He told us that the terms "convention of the people" were of very uncertain meaning, and difficult to be defined;—but that their true meaning was, *any meeting* of the people in their individual and primary character for political purposes. I know it is difficult to define complex terms; that is, to enumerate all the ideas that belong to them, and exclude all that do not; but there is always, in the most complex,

some prominent idea which marks the meaning of the terms, and in relation to which there is usually no disagreement. Thus, according to the old meaning (and which I had supposed was its legal and constitutional meaning), a convention of the people invariably implied a meeting of the people, either by themselves, or by delegates expressly chosen for the purpose, in *their high sovereign authority*,—in express contradistinction to such assemblies of individuals in their private character, or having only derivative authority. It is, in a word, a meeting of the people in the majesty of their power—in that in which they may rightfully make or abolish constitutions, and put up or put down governments at their pleasure. Such was the august conception which formerly entered the mind of every American, when the terms "convention of the people" were used. But now, according to the ideas of the dominant party, as we are told on the authority of the Senator from North Carolina, it means any meeting of individuals for political purposes,—and, of course, applies to the meeting at Ann Arbor, or any other party caucus for party purposes, which the leaders may choose to designate as a convention of the people. It is thus the highest authority known to our laws and constitution, is gradually sinking to the level of those meetings which regulate the operation of political parties, and through which, the edicts of their leaders are announced, and their authority enforced; or, rather, to speak more correctly, the latter are gradually rising to the authority of the former. When they come to be completely confounded; when the distinction between a caucus and the convention of the people shall be completely obliterated,—which the definition of the Senator, and the acts of this body on this bill, would lead us to believe is not far distant,—this fair political fabric of ours, erected by the wisdom and patriotism of our ancestors, and once the gaze and admiration of the world, will topple to the ground in ruins.

It has, perhaps, been too much my habit to look more to the future and less to the present, than is wise ; but such is the constitution of my mind, that, when I see before me the indications of causes calculated to effect important changes in our political condition, I am led irresistibly to trace them to their sources, and follow them out in their consequences. Language has been held in this discussion which is clearly revolutionary in its character and tendency, and which warns us of the approach of the period when the struggle will be between the *conservatives* and the *destructives*. I understood the Senator from Pennsylvania (Mr. Buchanan) as holding language countenancing the principle, that the will of a mere numerical majority is paramount to the authority of law and constitution. He did not, indeed, announce distinctly this principle, but it might fairly be inferred from what he said ; for he told us the people of a State, where the constitution gives the same weight to a smaller as to a greater number, might take the remedy into their own hands ; meaning, as I understood him, that a mere majority might, at their pleasure, subvert the constitution and government of a State,—which he seemed to think was the essence of democracy. Our little State has a constitution that could not stand a day against such doctrines, and yet we glory in it as the best in the Union. It is a constitution which respects all the great interests of the State—giving to each a separate and distinct voice in the management of its political affairs,—by means of which the feebler interests are protected against the preponderance of the stronger. We call our State a Republic—a Commonwealth, not a Democracy ; and let me tell the Senator it is a far more popular government than if it had been based on the simple principle of the numerical majority. It takes more voices to put the machine of government in motion, than in those that the Senator would consider more popular. It represents all the interests of the State,—and is in fact the

government of the people, in the true sense of the term, and not that of the mere majority, or the dominant interests.

I am not familiar with the constitution of Maryland, to which the Senator alluded, and cannot, therefore, speak of its structure with confidence; but I believe it to be somewhat similar in its character to our own. That it is a government not without its excellence, we need no better proof than the fact, that, though within the shadow of Executive influence, it has nobly and successfully resisted all the seductions by which a corrupt and artful Administration, with almost boundless patronage, has attempted to seduce her into its ranks.

Looking, then, to the approaching struggle, I take my stand immovably. *I am a conservative in its broadest and fullest sense*, and such *I shall ever remain, unless, indeed, the Government shall become so corrupt and disordered, that nothing short of revolution can reform it.* I solemnly believe that our political system is, in its purity, not only the best that ever was formed, but the best possible that can be devised for us. It is the only one by which free States, so populous and wealthy, and occupying so vast an extent of territory, can preserve their liberty. Thus thinking, I cannot hope for a better. Having no hope of a better, I am a conservative; and *because I am a conservative, I am a State Rights man.* I believe that in the rights of the States are to be found the only effectual means of checking the overaction of this Government; to resist its tendency to concentrate all power here, and to prevent a departure from the constitution; or, in case of one, to restore the Government to its original simplicity and purity. State interposition, or, to express it more fully, the right of a State to interpose her sovereign voice as one of the parties to our constitutional compact, against the encroachments of this Government, is the only means of sufficient potency to effect all this; and I

am, therefore, its advocate. I rejoiced to hear the Senator from North Carolina (Mr. Brown), and from Pennsylvania (Mr. Buchanan), do us the justice to distinguish between nullification and the anarchical and revolutionary movements in Maryland and Pennsylvania. I know they did not intend it as a compliment; but I regard it as the highest. They are right. Day and night are not more different—more unlike in every thing. They are unlike in their principles, their objects, and their consequences.

I shall not stop to make good this assertion, as I might easily do. The occasion does not call for it. As a conservative, and a State Rights man, or if you will have it, a nullifier, I have resisted, and shall resist all encroachments on the constitution—whether of this Government on the rights of the States, or the opposite:—whether of the Executive on Congress, or Congress on the Executive. My creed is to hold both governments, and all the departments of each to their proper sphere,—and to maintain the authority of the laws and the constitution against all revolutionary movements. I believe the means which our system furnishes to preserve itself are ample, if fairly understood and applied; and I shall resort to them, however corrupt and disordered the times, so long as there is hope of reforming the Government. The result is in the hands of the Disposer of events. It is my part to do my duty. Yet, while I thus openly avow myself a conservative, God forbid I should ever deny the glorious right of rebellion and revolution. Should corruption and oppression become intolerable, and not otherwise be thrown off—if liberty must perish, or the government be overthrown, I would not hesitate, at the hazard of life, to resort to revolution, and to tear down a corrupt government that could neither be reformed nor borne by freemen. But I trust in God things will never come to that pass. I trust never to see such fearful times; for fearful, indeed, they would be, if they should ever befall us. It is the last remedy, and

not to be thought of till common sense and the voice of mankind would justify the resort.

Before I resume my seat, I feel called on to make a few brief remarks on a doctrine of fearful import, which has been broached in the course of this debate—the right to repeal laws granting bank charters, and, of course, of railroads, turnpikes, and joint-stock companies. It is a doctrine of fearful import and calculated to do infinite mischief. There are countless millions vested in such stocks, and it is a description of property of the most delicate character. To touch it is almost to destroy it. But, while I enter my protest against all such doctrines, I have been greatly alarmed with the thoughtless precipitancy (not to use a stronger phrase) with which the most extensive and dangerous privileges have been granted of late. It can end in no good, and, I fear, may be the cause of convulsions hereafter. We already feel the effects on the currency, which no one competent of judging can fail to see, is in an unsound condition. I must say (for truth compels me) I have ever distrusted the banking system, at least in its present form, both in this country and Great Britain. It will not stand the test of time; but I trust that all shocks, or sudden revolutions, may be avoided,—and that it may gradually give way, before some sounder and better regulated system of credit, which the growing intelligence of the age may devise. That a better may be substituted I cannot doubt; but of what it shall consist, and how it shall finally supersede the present uncertain and fluctuating currency, time alone can determine. All that I can see is, that the present must, one day or another, come to an end, or be greatly modified—if that, indeed, can save it from an entire overthrow. It has within itself the seeds of its own destruction.

SPEECH

On the Motion to recommit the Land Bill, introduced by Mr. Walker, of Mississippi, to the Committee on Public Lands; delivered in the Senate, February 4th, 1837.

[*In the Senate, February 4th*, 1837.—The Bill reported by Mr. Walker, in respect to the proper disposition of the public lands, having undergone various modifications,—and Mr. W. having declared that, in the shape to which it had been reduced, the Bill could not receive his support, it was about to be rejected:—when, to give the friends of the measure a further chance, a motion was made to recommit it to the Committee on Public Lands, in order that it might be reported to the Senate in a more acceptable form. On this motion, Mr. C. said:]

I SINCERELY hope that the motion for recommitment will not prevail. The session is now far advanced; but a single month more remains, and this bill has already occupied more than its due share of the time and attention of the Senate. The discussion which it has undergone has shown that there exists in this body a great diversity of opinion, not on the details only, but on the principles of the bill. A large portion of the Senate are under the impression that nothing ought to be done; and, among the residue who are in favor of some bill, the difference of opinion seems to be irreconcilable. If we recommit the bill, the inevitable consequence will be, that we shall have a new set of propositions to amend it, and a vast deal of time will be wasted in vain attempts to reconcile things essentially irreconcilable. For myself, I believe the bill to be radically wrong; and that no modifications which it is likely to assume can ever make it right. I had intended to say something on the

general subject ; but it is now late, and I forego much of what it was my purpose to have submitted to the Senate. I will, however, as briefly as possible, throw out one or two leading views in regard to it.

The proposed object of this bill is to restrict the sales of the public lands, to put down speculation, and to prevent the accumulation of a surplus revenue. Plausible objects, I admit, and such as sound well to the ear ; but the practical operation of the bill which promises them, will, as I apprehend, lead to very different results. So many and so subtle are the means by which those in power are able to fleece the community without the people themselves being aware of it, that the mere contemplation of the machinery is almost enough to make any lover of his country despair. I have long been sensible of this ; but if I were called upon to select an instance, which, more than others, forcibly illustrates the truth of the remark, I would refer any one who doubted to the present bill. When we closely examine its provisions, we shall perceive that, so far from repressing, its effects will be to secure and consummate, the most enormous speculations which have ever been witnessed on this continent. These speculations have been produced by those in power,—and the large profits they hope to realize are to be consummated by the passage of this bill. The chairman of the committee himself has told the Senate, that a body of the public lands, greater in extent than the largest State in the Union, has been seized upon by speculators. The Senator from Georgia (Mr. King) states the amount at from thirty to forty millions of dollars. This may be an over estimate ; but, at the lowest calculation, the amount cannot be less than twenty-five millions. What has produced this vast investment ? What has thus suddenly rendered the public lands an object of such enormous speculations ? What but the state of the currency ? Our circulating medium has nearly doubled in the space of three years. It has increased

from an average of six and a half dollars per head to an average of ten dollars. And what has been the natural—the inevitable consequence? The rise of every thing, the price of which is not kept down by some legal provision; the price of provisions and of labor has nearly doubled, while the price of land has continued fixed by force of law. Is it, then, any thing wonderful that land, under this restraint, should have become an object of speculation? There lies the root of the evil. This enormous augmentation of the circulating medium has filled all the channels of ordinary business to repletion, and the overflow finds an outlet in speculations. But who have been the authors of this state of things? Every body knows that it has been the work of those in power. They began the experiment in 1833. They were distinctly told what would be the result. They were warned that bank capital would be increased, and, with it, the circulation of paper money; but, in the face of all warning, all argument, the experiment went on. The only existing check which had power to control the excessive issue of bank paper was put down. The deposits of the public money were transferred from where the laws had put them, and placed in deposit banks arbitrarily selected at the will of the Executive. The authors of the present state of things are the very men who come here and propose to us this bill as a remedy. These two facts should be put together, and kept together, in the mind of every Senator who would form a right judgment in the matter. The removal of the deposits was the first step. We are now come to the second step in the process. The men who accomplished the first have already profited by it politically, and, if rumor speak truly, in other ways also. Does any man here entertain a doubt that high officers of Government have used those depositories as instruments of speculation in the public lands? Is not the fact notorious? Is not one in the immediate neighborhood of the Executive among those the most

deeply concerned? Will this be denied? Is it not well known that several officers in the departments have purchased lands, to sell on speculation, with funds officially under their own control? How the same combination of persons profited politically by the same movement, I shall show hereafter.

Assuming, then, what cannot be denied, that the excessive increase of the circulating medium, produced by the experiment, is the main cause of these speculations in the public lands—and assuming, on the authority of universal rumor, that high functionaries of the Government have availed themselves of the state of things thus produced, I come now to what is my main proposition,—namely, that this bill is calculated to consummate those plans of speculation, and that without this measure, or something equivalent to it, they must end in loss.

[Here some explanation took place between Mr. Calhoun and Mr. Walker, as to the statements made by the latter in reference to the probable effect of the rejection of this bill.]

Well, Sir, be it as the honorable chairman states. He says now, that if the bill shall not become a law, the purchases of the public lands will continue to go on as they have done for the last year. Admit it, and what must be the consequence. Cannot all men perceive, that in this, as in all other cases, over supply must operate to reduce the price? The honorable chairman tells us that the amount of land required for fair and honest settlement, by the progress of the country, is five millions of acres annually, and that the amount taken upon speculation last year was thirty millions. If this be so, then there is already in the hands of speculators a six years' supply. Should all the land-offices be closed to-morrow, the amount these speculators hold would not be absorbed by the regular demands of the country in less than six years. Now, the greater part of

these purchases has been made upon loans; the interest is running on; and, unless the sales shall be in proportion, do not all men see that the accumulation of unproductive lands upon their hands must infallibly ruin those who are engaged in such speculations? Under these circumstances, the help of legislation is the only thing that can relieve them. I repeat it,—this bill, or something like it, is indispensable. It puts a finish to the work. The land-offices being left open, and no obstructions being thrown in the way of the purchase for settlement, we may suppose that one-half of the five millions annually required will be purchased from the Government. There will then remain only two and a half millions to take of the thirty millions' stock which the speculators already hold; and, at this rate, it must be twelve years before that stock can be disposed of; and, if the stock is to be augmented by new and large purchases during the present year, the speculation must end in inevitable ruin. The thing is plain—it cannot be denied—it calls for no demonstration.

What, then, is resorted to, to prevent this disastrous catastrophe? The answer is found in the details of this bill; and I entirely concur with the Senator from Massachusetts (Mr. Davis), in pronouncing them most odious in their character. No American citizen is to be left free to purchase a portion of the public domain, the property of the whole people of the United States, without a license. Yes; before he can buy the land which his own Government has offered for sale, he must first take out a license. Odious as I hold all licenses upon the press, or licenses upon trade, I hold this to be fully as obnoxious as either. A license to purchase the public lands! I cannot buy myself a farm, though I have the money in my pocket, till I pay a dollar and a quarter per acre for a license; and then I do not get a title until I have complied with the most onerous conditions; and if, after I have paid my money, I see reasons to

change my mind, I cannot leave the land without forfeiting all I have paid. If I find the situation to be sickly, I cannot remain there without risking the lives of my family,—and I cannot sell it to one more accustomed to the climate, without incurring the pains of perjury as a speculator ; nor can I remove without forfeiting the purchase-money.

But supposing the settler remains ; he is required to consummate his title—not in a court of law, or before a judicial officer, but before the register and receiver of the district. I do not know how Senators from the new States may feel, but this I know, that nothing under heaven could induce me to place Carolinians in such circumstances. The registers and receivers of a land-office to be judges in matters of real estate ! Why, Sir, these persons, for the most part, are political partisans. They have obtained their offices as a reward for services rendered at the election. Has not the doctrine of the spoils been openly avowed on this floor ? Has it not been unblushingly maintained, that the party which obtains a political victory has, as a thing of course, a right to all the offices of the State, and to the public money into the bargain, so that they may control it entirely for their own benefit ? I have a right, therefore, to assume that, as a general thing, these registers and receivers will be political partisans. What, then, will be the condition of a large portion of our citizens ? Allowing the consumption of public lands to be two and a half millions of acres a year, you will have about a hundred thousand voters, the title to whose earthly all will be in the hands of these registers and receivers. Can any thing be conceived more odious ? Would the license of the press itself be a measure more hateful or dangerous ? Sir, we have spent too much time in considering so monstrous a proposition. I hope we shall not waste upon it another moment.

But putting the political effects of this bill out of view—let us inquire what will be its moral influence ? The Sena-

tor from New-York (Mr. Wright) told us, that he considered the price of public land as already too high, and that he was averse to placing it still higher. Sir, these were his words. Now let us look at the face of the bill. Its practical effect will be, an enormous increase in the price to be paid for the public domain. I put it to any man of sound sense, whether he would not rather give two dollars an acre, at once, for his farm, and get a good title for his land, without further difficulty? I would, most certainly. Consider the terms on which he must buy. The moment he enters his land, under this bill it becomes subject to State taxation; but if he buys from the speculators, it will not be so. The entire mass of lands purchased last year, including some of the best parts of the public domain, is now held for sale free of taxation, while lands purchased from the Government must immediately be taxed. What chance will the United States lands have against such competition? None at all; the speculators will have the complete monopoly. This, then, is a question between the Government and the speculators. Our stock is one hundred and twenty millions; theirs, thirty millions. Our land is at a dollar and a quarter; theirs, not less than three dollars; and here is a fair competition. But this bill comes in and throws the market into the hands of the speculators. In any other than these extraordinary times, one would suppose that such objections would be fatal to any bill. It is most obvious that, unless you throw restrictions around the purchasers of land from the United States, the object of the speculators must be defeated.

But we are asked, what is to be done with all this speculation? I answer, let it alone, and it will run down of itself. The times will react. The present state of things is artificial; it cannot possibly continue. Speculation, after it has run its course, will run down, and that with far less injury than will result from any attempt to put it down by legislation. If, however, you do legislate, there are many expedi-

ents besides that proposed in this bill. In the first place, you may raise the price of the public lands. This, to be sure, will confer a great benefit on those who have already purchased; but it will check future speculation. I have, however, no idea that any such measure will be resorted to; it would be very unpopular; and the object which gentlemen have in view must be secured without the loss of personal popularity. Then, in the second place, you may shut the land-offices. This expedient, however, would be liable to the same objections with the other, for you can hit upon none which will not either be inoperative altogether, or of great advantage to those who have already purchased. My opinions in regard to the public lands have undergone a great change in the course of this debate. I thought there was a majority in this Senate who would resolutely object to all rash changes in our land system. I hoped, most confidently, that New England, at least, would have stood fast. I have been disappointed. I hoped that the public lands would not be drawn into our political contests. But in this, too, I have been entirely disappointed. I see that the era has arrived when our large capitalists are in a fair way to seize upon the whole body of the public lands. This has compelled a great change to take place in my mind. I greatly fear that we have reached the time when the public domain must be lost to the Government for all useful purposes. We may, indeed, receive some amount of revenue from it, but it will be accompanied with such agitations, and so much trouble and political corruption, that the gain will not compensate for the evil incurred. I have made up my mind, if a fair concession can be made, to concede the whole to the new States, on some fixed and well considered conditions. I am for transferring the whole, on the condition that they shall pay us a certain per cent. of the proceeds, and submit to the necessary limitations as to the mode of bringing the lands into market; the permanent system of sale not to be dis-

turbed for some years; and after that, the principle of graduation to be prudently introduced. I have always felt the force of the argument, that the new States are not now placed upon an equal footing with the other members of the Confederacy. They are full of land-officers, and other public agents under your control; and in regard to the soil within their limits, they sustain to us a relation which must ever be productive of discontent and agitation. Whether a thing of this kind can be safely done, I do not know; but of this I am fully persuaded—that such a measure would be infinitely better than the scheme proposed in this bill. The Chairman of the Committee on the Public Lands has avowed his own earnest belief that the evils of the existing state of things are such, that even a bill like this should be resorted to as a preferable alternative. He considers a surplus in the treasury as a great evil (and so do I, also, if it is to be permanent); and his dread of a surplus is so great, that it has prevented him from regarding the details of this bill, as I am persuaded he would have done, but for the bias thus produced.

With these views, I conclude by expressing my hope that the bill will not be recommitted; but that we shall either reject it, or suffer it to sleep by laying it on the table.

SPEECH

On the reception of Abolition Petitions, delivered in the Senate, February 6th, 1837.

If the time of the Senate permitted, I would feel it to be my duty to call for the reading of the mass of petitions on the table, in order that we might know what language

they hold towards the slaveholding States and their institutions; but as it will not, I have selected, indiscriminately from the pile, two; one from those in manuscript, and the other from the printed, and without knowing their contents will call for the reading of them, so that we may judge, by them, of the character of the whole.

[Here the Secretary, on the call of Mr. Calhoun, read the two petitions.]

Such, resumed Mr. C., is the language held towards us and ours. The peculiar institution of the South—that, on the maintenance of which the very existence of the slaveholding States depends, is pronounced to be sinful and odious, in the sight of God and man; and this with a systematic design of rendering us hateful in the eyes of the world—with a view to a general crusade against us and our institutions. This, too, in the legislative halls of the Union; created by these confederated States, for the better protection of their peace, their safety, and their respective institutions;—and yet, we, the representatives of twelve of these sovereign States against whom this deadly war is waged, are expected to sit here in silence, hearing ourselves and our constituents day after day denounced, without uttering a word; for if we but open our lips, the charge of agitation is resounded on all sides, and we are held up as seeking to aggravate the evil which we resist. Every reflecting mind must see in all this a state of things deeply and dangerously diseased.

I do not belong, said Mr. C., to the school which holds that aggression is to be met by concession. Mine is the opposite creed, which teaches that encroachments must be met at the beginning, and that those who act on the opposite principle are prepared to become slaves. In this case, in particular, I hold concession or compromise to be fatal. If we concede an inch, concession would follow concession—compromise would follow compromise, until our ranks would be

so broken that effectual resistance would be impossible. We must meet the enemy on the frontier, with a fixed determination of maintaining our position at every hazard. Consent to receive these insulting petitions, and the next demand will be that they be referred to a committee in order that they may be deliberated and acted upon. At the last session we were modestly asked to receive them, simply to lay them on the table, without any view to ulterior action. I then told the Senator from Pennsylvania (Mr. Buchanan), who so strongly urged that course in the Senate, that it was a position that could not be maintained; as the argument in favor of acting on the petitions if we were bound to receive, could not be resisted. I then said, that the next step would be to refer the petition to a committee, and I already see indications that such is now the intention. If we yield, that will be followed by another, and we will thus proceed, step by step, to the final consummation of the object of these petitions. We are now told that the most effectual mode of arresting the progress of abolition is, to reason it down; and with this view it is urged that the petitions ought to be referred to a committee. That is the very ground which was taken at the last session in the other House, but instead of arresting its progress it has since advanced more rapidly than ever. The most unquestionable right may be rendered doubtful, if once admitted to be a subject of controversy, and that would be the case in the present instance. The subject is beyond the jurisdiction of Congress—they have no right to touch it in any shape or form, or to make it the subject of deliberation or discussion.

In opposition to this view it is urged that Congress is bound by the constitution to receive petitions in every case and on every subject, whether within its constitutional competency or not. I hold the doctrine to be absurd, and do solemnly believe, that it would be as easy to prove that it has the right to abolish slavery, as that it is bound to receive

petitions for that purpose. The very existence of the rule that requires a question to be put on the reception of petitions, is conclusive to show that there is no such obligation. It has been a standing rule from the commencement of the Government, and clearly shows the sense of those who formed the constitution on this point. The question on the reception would be absurd, if, as is contended, we are bound to receive; but I do not intend to argue the question; I discussed it fully at the last session, and the arguments then advanced neither have been nor can be answered.

As widely as this incendiary spirit has spread, it has not yet infected this body, or the great mass of the intelligent and business portion of the North; but unless it be speedily stopped, it will spread and work upwards till it brings the two great sections of the Union into deadly conflict. This is not a new impression with me. Several years since, in a discussion with one of the Senators from Massachusetts (Mr. Webster), before this fell spirit had showed itself, I then predicted that the doctrine of the proclamation and the Force Bill,—that this Government had a right, in the last resort, to determine the extent of its own powers, and enforce its decision at the point of the bayonet, which was so warmly maintained by that Senator, would at no distant day arouse the dormant spirit of abolitionism. I told him that the doctrine was tantamount to the assumption of unlimited power on the part of the Government, and that such would be the impression on the public mind in a large portion of the Union. The consequence would be inevitable. A large portion of the Northern States believed slavery to be a sin, and would consider it as an obligation of conscience to abolish it if they should feel themselves in any degree responsible for its continuance,—and that this doctrine would necessarily lead to the belief of such responsibility. I then predicted that it would commence as it has with this fanatical portion of society, and that they would begin their operations on the

ignorant, the weak, the young, and the thoughtless,—and gradually extend upwards till they would become strong enough to obtain political control, when he and others holding the highest stations in society, would, however reluctant, be compelled to yield to their doctrines, or be driven into obscurity. But four years have since elapsed, and all this is already in a course of regular fulfilment.

Standing at the point of time at which we have now arrived, it will not be more difficult to trace the course of future events now than it was then. They who imagine that the spirit now abroad in the North, will die away of itself without a shock or convulsion, have formed a very inadequate conception of its real character; it will continue to rise and spread, unless prompt and efficient measures to stay its progress be adopted. Already it has taken possession of the pulpit, of the schools, and, to a considerable extent, of the press; those great instruments by which the mind of the rising generation will be formed.

However sound the great body of the non-slaveholding States are at present, in the course of a few years they will be succeeded by those who will have been taught to hate the people and institutions of nearly one-half of this Union, with a hatred more deadly than one hostile nation ever entertained towards another. It is easy to see the end. By the necessary course of events, if left to themselves, we must become, finally, two people. It is impossible under the deadly hatred which must spring up between the two great sections, if the present causes are permitted to operate unchecked, that we should continue under the same political system. The conflicting elements would burst the Union asunder, powerful as are the links which hold it together. Abolition and the Union cannot co-exist. As the friend of the Union I openly proclaim it,—and the sooner it is known the better. The former may now be controlled, but in a short time it will be beyond the power of man to arrest the

course of events. We of the South will not, cannot surrender our institutions. To maintain the existing relations between the two races, inhabiting that section of the Union, is indispensable to the peace and happiness of both. It cannot be subverted without drenching the country in blood, and extirpating one or the other of the races. Be it good or bad, it has grown up with our society and institutions, and is so interwoven with them, that to destroy it would be to destroy us as a people. But let me not be understood as admitting, even by implication, that the existing relations between the two races in the slaveholding States is an evil :— far otherwise ; I hold it to be a good, as it has thus far proved itself to be to both, and will continue to prove so if not disturbed by the fell spirit of abolition. I appeal to facts. Never before has the black race of Central Africa, from the dawn of history to the present day, attained a condition so civilized and so improved, not only physically, but morally and intellectually. It came among us in a low, degraded, and savage condition, and in the course of a few generations it has grown up under the fostering care of our institutions, reviled as they have been, to its present comparatively civilized condition. This, with the rapid increase of numbers, is conclusive proof of the general happiness of the race, in spite of all the exaggerated tales to the contrary.

In the mean time, the white or European race has not degenerated. It has kept pace with its brethren in other sections of the Union where slavery does not exist. It is odious to make comparison ; but I appeal to all sides whether the South is not equal in virtue, intelligence, patriotism, courage, disinterestedness, and all the high qualities which adorn our nature. I ask whether we have not contributed our full share of talents and political wisdom in forming and sustaining this political fabric ; and whether we have not constantly inclined most strongly to the side of liberty, and been the first to see and first to resist the encroachments of power.

In one thing only are we inferior—the arts of gain; we acknowledge that we are less wealthy than the Northern section of this Union, but I trace this mainly to the fiscal action of this Government, which has extracted much from, and spent little among us. Had it been the reverse,—if the exaction had been from the other section, and the expenditure with us, this point of superiority would not be against us now, as it was not at the formation of this Government.

But I take higher ground. I hold that in the present state of civilization, where two races of different origin, and distinguished by color, and other physical differences, as well as intellectual, are brought together, the relation now existing in the slaveholding States between the two, is, instead of an evil, a good—a positive good. I feel myself called upon to speak freely upon the subject where the honor and interests of those I represent are involved. I hold then, that there never has yet existed a wealthy and civilized society in which one portion of the community did not, in point of fact, live on the labor of the other. Broad and general as is this assertion, it is fully borne out by history. This is not the proper occasion, but if it were, it would not be difficult to trace the various devices by which the wealth of all civilized communities has been so unequally divided, and to show by what means so small a share has been allotted to those by whose labor it was produced, and so large a share given to the non-producing classes. The devices are almost innumerable, from the brute force and gross superstition of ancient times, to the subtle and artful fiscal contrivances of modern. I might well challenge a comparison between them and the more direct, simple, and patriarchal mode by which the labor of the African race is, among us, commanded by the European. I may say with truth, that in few countries so much is left to the share of the laborer, and so little exacted from him, or where there is more kind attention paid to him in sickness or infirmities of age. Compare his condition with the tenants of

the poor houses in the more civilized portions of Europe—look at the sick, and the old and infirm slave, on one hand, in the midst of his family and friends, under the kind superintending care of his master and mistress, and compare it with the forlorn and wretched condition of the pauper in the poor house. But I will not dwell on this aspect of the question; I turn to the political; and here I fearlessly assert that the existing relation between the two races in the South, against which these blind fanatics are waging war, forms the most solid and durable foundation on which to rear free and stable political institutions. It is useless to disguise the fact. There is and always has been in an advanced stage of wealth and civilization, a conflict between labor and capital. The condition of society in the South exempts us from the disorders and dangers resulting from this conflict; and which explains why it is that the political condition of the slaveholding States has been so much more stable and quiet than that of the North. The advantages of the former, in this respect, will become more and more manifest if left undisturbed by interference from without, as the country advances in wealth and numbers. We have, in fact, but just entered that condition of society where the strength and durability of our political institutions are to be tested; and I venture nothing in predicting that the experience of the next generation will fully test how vastly more favorable our condition of society is to that of other sections for free and stable institutions, provided we are not disturbed by the interference of others, or shall have sufficient intelligence and spirit to resist promptly and successfully such interference. It rests with ourselves to meet and repel them. I look not for aid to this Government, or to the other States; not but there are kind feelings towards us on the part of the great body of the non-slaveholding States; but as kind as their feelings may be, we may rest assured that no political party in those States will risk their ascendency for our safety. If we do

not defend ourselves none will defend us; if we yield we will be more and more pressed as we recede; and if we submit we will be trampled under foot. Be assured that emancipation itself would not satisfy these fanatics:—that gained, the next step would be to raise the negroes to a social and political equality with the whites; and that being effected, we would soon find the present condition of the two races reversed. They and their northern allies would be the masters, and we the slaves; the condition of the white race in the British West India Islands, bad as it is, would be happiness to ours. There the mother country is interested in sustaining the supremacy of the European race. It is true that the authority of the former master is destroyed, but the African will there still be a slave, not to individuals but to the community,—forced to labor, not by the authority of the overseer, but by the bayonet of the soldiery and the rod of the civil magistrate.

Surrounded as the slaveholding States are with such imminent perils, I rejoice to think that our means of defence are ample, if we shall prove to have the intelligence and spirit to see and apply them before it is too late. All we want is concert, to lay aside all party differences, and unite with zeal and energy in repelling approaching dangers. Let there be concert of action, and we shall find ample means of security without resorting to secession or disunion. I speak with full knowledge and a thorough examination of the subject, and for one, see my way clearly. One thing alarms me—the eager pursuit of gain which overspreads the land, and which absorbs every faculty of the mind and every feeling of the heart. Of all passions avarice is the most blind and compromising—the last to see and the first to yield to danger. I dare not hope that any thing I can say will arouse the South to a due sense of danger; I fear it is beyond the power of mortal voice to awaken it in time from the fatal security into which it has fallen.

SPEECH

On his proposition to cede the Public Lands to the new States upon the payment of one-third of the gross amount of the sales; delivered in the Senate February 7th, 1837.

[The Bill to suspend the sale of the Public Lands being under consideration, Mr. Calhoun offered the following as a substitute:—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the public lands within the States of Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, and Michigan, with the exception of the sites of fortifications, navy and dock yards, arsenals, magazines, and all other public buildings, be ceded to the States within the limits of which they are respectively situated, on the following conditions:

First. That the said States shall severally pass acts, to be irrevocable, that they will annually pay to the United States thirty-three and one-third per cent. on the gross amount of the sales of such lands, on or before the first day of February of each succeeding year.

Secondly. That the minimum price, as now fixed by law, shall remain unchanged until the first day of January, eighteen hundred and forty-two; after which time, the price of all lands heretofore offered at public sale, and then remaining unsold ten years or upwards preceding the first day of January aforesaid, may be reduced by said States to a price not less than —— per acre; and all lands that may have been offered at public sale, and remaining unsold fifteen years or upwards, preceding the first day of January, eighteen hundred and forty-seven, may thereafter be reduced by said States to a price not less than —— per acre; and all lands that may have been offered at public sale, and remaining unsold twenty years or upwards, preceding the first day of January, eighteen hundred and fifty-two, may then be reduced by said States to a price not less than —— per acre; and all lands that may have been offered at public sale, and remaining unsold twenty years or upwards, preceding the first day of January, eigh-

teen hundred and fifty-seven, may thereafter be reduced by said States to a price not less than —— per acre; and all lands that may have been offered at public sale, and remaining unsold thirty years or upwards, preceding the first day of January, eighteen hundred and sixty-two, may thereafter be reduced by said States to a price not less than —— per acre; and all lands that shall have been offered at public sale, and remaining unsold thirty-five years or upwards, shall be ceded immediately to the States in which said lands are situate: *Provided*, That all lands which shall remain unsold after having been offered at public sale for ten years, and which do not come under the above provisions, shall be subject to the provisions of graduation and cession aforesaid at the respective periods of ten, fifteen, twenty, twenty-five, thirty, and thirty-five years after said sale, commencing from the expiration of ten years after the same had been offered at public sale.

Thirdly. That the lands shall be subject to the same legal subdivisions in the sale and survey as is now provided by law, reserving for each township the sixteenth section, or the substitute, as heretofore provided by law; and the land not yet offered for sale, shall be first offered by the State at public auction, and be sold, for cash only, in the manner now provided by law. And any land now or hereafter remaining unsold after the same shall have been offered for sale at public auction, shall be subject to entry for cash only, according to the graduation which may be fixed by the States respectively under the provi sions of this act.

Fourth. This cession, together with the portion of the sales to be retained by the States respectively under the provisions of this act, shall be in full of the five per cent. fund, or any part thereof, not already advanced to any State; and the said States shall be exclusively liable for all charges that may hereafter accrue from the surveys, sales, and management of the public lands, and extinguishment of Indian title within the limits of said States respectively.

Fifth. That, on a failure to comply with any of the above conditions, or a violation of the same, on the part of any of the said States, the cession herein made to the State failing to comply with, or violating said conditions, shall be thereby rendered null and void; and all grants or titles thereafter made by said State, for any portion of the public lands within the limits of the same ceded by this act, shall be, and is hereby declared to be null and void, and of no effect whatever.

Sec. 2. *And be it further enacted*, That, whenever the President of the United States shall be officially notified that any of the said States has passed an act in compliance with the above conditions, it shall be his duty forthwith to adopt such measures as he shall think proper to close the land-offices, including the surveying department, within the limits of said State; and that the commissions of all officers connected therewith shall expire on a day to be fixed by him, but which day shall not be beyond six months from the day he received the official notification of the passage of said act.

Sec. 3. *And be it further enacted*, That on such notification being made, the said State shall be relieved from all compacts, acts, or ordinances, imposing restrictions on the right of said State to tax any lands by her authority subsequent to the sale thereof, ceded by this act; and all maps, titles, records, books, documents, and papers, in the General Land-Office at Washington, relative to said lands, shall be subject to the order and disposition of the Executive of said State.

Sec. 4. *And be it further enacted*, That all lands of the United States within the limits of the State of Tennessee, with the exceptions enumerated in the first section of this act, shall be, and the same are hereby, ceded to said State.

In reply to the objections urged against this substitute by Messrs. Benton and Buchanan, Mr. Calhoun said:]

He wished the Senate to be assured that, in offering the proposition he had presented, he had no indirect or concealed purpose. He was perfectly sincere in proposing and advocating it, and that on the highest possible ground. When the Senate entered upon the present discussion, he had had little thought of offering a proposition like this. He had, indeed, always seen that there was a period coming when this Government must cede to the new States the possession of their own soil; but he had never thought till now that period was so near. What he had seen this session, however, and especially the nature and character of the bill which was now likely to pass, had fully satisfied him that the time had arrived. There were at present eighteen Senators from the new States. In four years there would be six more, which would make

twenty-four. All, therefore, must see that, in a very short period, those States would have this question in their own hands. And it had been openly said, that they ought not to accept of the present proposition, because they would soon be able to get better terms. He thought, therefore, that, instead of attempting to resist any longer what must eventually happen, it would be better for all concerned that Congress should yield at once to the force of circumstances, and cede the public domain. His objects in this movement were high and solemn objects. He wished to break down the vassalage of the new States. He desired that this Government should cease to hold the relation of a landlord. He wished, further, to draw this great fund out of the vortex of the Presidential contest, with which, it had openly been announced to the Senate, there was an avowed design to connect it. He thought the country had been sufficiently agitated, corrupted, and debased by the influence of that contest; and he wished to take this great engine out of the hands of power. If he were a candidate for the presidency, he might desire to leave it there. He wished to go further: he sought to remove the immense amount of patronage connected with the management of this domain—a patronage which had corrupted both the old and the new States to an enormous extent. He sought to counteract the centralism, which was the great danger of this Government, and thereby to preserve the liberties of the people much longer than would otherwise be possible. As to what was to be received for these lands, he cared nothing about it. He would have consented at once to yield the whole, and withdraw altogether the landlordship of the General Government over them, had he not believed that it would be most for the benefit of the new States themselves that it should continue somewhat longer.

These were the views which had induced him to present the amendment. He offered no gilded pill. He threw in no apple of discord. He was no bidder for popularity. He pre-

scribed to himself a more humble aim—which was, simply to do his duty. He sought to counteract the corrupting tendency of the existing course of things. He sought to weaken this Government by divesting it of, at least, a part of the immense patronage it wielded. He held that every great landed ed estate required a local administration, conducted by persons more intimately acquainted with local wants and interests than the members of a central government could possibly be. If any body asked him for a proof of the truth of his positions, he might point them to the bill now before the Senate. Such were the sentiments, shortly stated, which had governed him on this occasion.

[The substitute being rejected, Mr. Calhoun, on the 9th February, introduced the same as a substantive proposition in the form of a bill, and in reply to Mr. Clay, said:]

That he came here with a fixed resolution to resist all attempts at innovation upon our system in relation to the public lands; and he might add, with no small hope that he would be successful.

Mr. C. said he took it as rather unkind, though he was sure it had not been so intended, that the Senator from Kentucky should say that there was any analogy between this bill and that from the Committee on the Public Lands, which Mr. C. had strenuously opposed. This measure, reluctantly forced upon him by the necessity of the case, had been introduced with a desire to terminate great political evils. He assured that honorable Senator, whatever might be the obligation of duty which he felt in opposing this measure, a no less imperative obligation urged him to bring it forward. There is, said Mr. C., too much power here; the tendency of this Government to centralism is overpowering; and among the many powerful instruments which can be, and are brought to bear on securing and extending Executive power, this control of the public lands is one of the greatest and most effec-

tual. It now gives to any administration disposed so to use it, control over perhaps nine States—eight certainly—of this Union. These States, so far as the public lands are concerned, are the vassals of this Government. We are in the place of a great landlord, and they of tenants ; we have the ownership and control over the soil they occupy. Can there be any doubt as to how such an ascendency will be used in the present corrupt state of the country ? Is there any doubt as to how it has been used ? or that the influence derived from it is a growing influence ? We must find some remedy for such a state of things, or sink under it. It is in vain to tell us, that the Senators from the new States are as capable of giving an independent vote on measures connected with the public lands as those from the old States. It is impossible, in the nature of things. Their constituents have that feeling of ownership which is naturally inseparable from the occupation of the soil ; and it must and will control the action of their representatives.

And now I put it to the bosom of every Senator, whether the mere moneyed income derived from the public domain, is to be compared, for one moment, to the great advantage of putting these Senators on the same independent footing with ourselves ? I look with sympathy upon their condition, and I feel very sure they will be liberated from it with joy. Such, I am very sure, would be my feelings in the like circumstances. So long as there was no attempt to use the control of the public lands for purposes of a political character, their condition was very different ; but, since this has been swept into the great vortex of political influence, their situation is wholly changed. I am for knocking off their chains. Sir, said Mr. C., I have, on a deliberate view of the whole case, entered upon this course, and I am resolved to go for this measure with all my power. I seek not its popularity or influence. I had rather that some other individual had moved in it, as more than one Senator here can bear me witness :

but none would move; and I have therefore determined to proceed. I believe the time has arrived, and I am resolved to go on in the face of all the imputations to which my motives may be liable. I have often done my duty under very difficult circumstances, as all who hear me well know. As to popularity, I despise it. I would not turn on my heel to obtain it. It is a fleeting shadow, unworthy of the pursuit of an upright man. No, sir, I move here on a conscientious conviction of high and imperious duty; and I shall therefore go forward until I have effected my object, if it can be effected. I believe it will prove, in its practical results, a great blessing to the country. I am convinced no stronger measure can be devised for withdrawing the public lands from the great game of political scrambling and gambling for the presidency.

As to the details of the bill: I am under the impression that the sum demanded from the new States for the cession of these lands should be moderate; especially considering that they will be charged with the whole trouble and expense of their administration, and that, from the nature of the human mind, they will necessarily have the feeling that they possess a better right to these lands than others, from the fact of their occupancy. The next reason is, that we may prevent any disturbance from a feeling of discontent; and that the arrangement we make may be viewed as a liberal one, even by the new States themselves. So desirous am I to effect this object, that I will consent to modify this feature of the bill, by inserting almost any rate per cent. which the new States shall, on the whole, deem most prudent and advisable. Another reason why I have set the per cent. at a low rate is, a desire that the plan should operate as a benefit to the new States. I wish to counteract the tendency to running down of the price of land, and to secure its sale at prices calculated for the benefit of all parties. To secure this, I have inserted a provision that, if there shall be any departure from

this condition of the cession, the grant itself shall be void, so as to make it a judicial question.

[The bill was further opposed by Mr. Webster, when Mr. Calhoun replied as follows:]

I must express my regret that this bill should be opposed at this early stage, and in so unusual a manner. As long as I have been a member of this and the other House, I cannot recollect more than three or four instances before the present, in which a bill has been opposed at its second reading, and then under very peculiar circumstances. And why, may I ask, is the usual course departed from on the present occasion? Why not let this bill receive its second reading and be referred, as other bills are, to a committee, to be considered and reported on? The reply is, to prevent agitation;—that is, as I understand it, to prevent the feelings of the public from being excited, and its attention directed to this highly important subject. If that be the intention, I tell gentlemen they will fail in their object. The subject is already before the public; and if my life be spared, I shall keep it there—shall agitate it till the public attention shall be roused to a full and thorough investigation of a measure which I firmly believe is not less essential to the interest of the whole Union, than it is to that of the new States. I tell them more; that the very unusual and extraordinary course they have adopted in opposition to this bill, will but more deeply agitate the public mind, and the more intensely attract its attention to the subject. It will naturally excite the inquiry, Why not let this bill take the ordinary course? Why not let it go to a committee to investigate its provisions, and present all the arguments for and against it, fully and fairly, so that its merits and demerits, such as they are, may be clearly understood? Opposition to so reasonable a course will make the impression, that the object is to suppress in-

vestigation, whatever may be the motive of gentlemen, and will naturally excite suspicion and more diligent inquiry.

In making these remarks, I am not ignorant that the merits of the bill are fully open to discussion on the pending question; but it is impossible that a hasty discussion, at this late stage of the session, and when the time of the Senate is so fully engrossed with other subjects, can be so satisfactory as would be a report in which the views of the majority and minority of the committee, after full consultation, might be calmly and deliberately spread at large before the public. And why not adopt so natural a course? Besides being more favorable to investigation, it would consume less time; a point of no small importance at the present stage of the session. If referred, the committee would doubtless be so constituted as to comprehend both the friends and opponents of the measure. Among the latter, if my wishes should be consulted, I would be glad to see the name of the Senator from Massachusetts (Mr. Webster), who is so capable of doing full justice to whatever side he undertakes to defend. It is thus that the whole merits of the measure would be fully presented, and, if it be so liable to objection as is supposed, the result might satisfy the new States themselves, that it ought not to be adopted. But if, on the other hand, the argument should prove to be decidedly in its favor, as I firmly and conscientiously believe, the very agitation which gentlemen seem so much to dread, would be promptly terminated by the adoption of the measure. Thus regarding the subject, I cannot but regret that this bill has not been permitted to take the usual course; and that I am compelled, in this hasty manner, without premeditation, to reply to the arguments of the Senator from Massachusetts (Mr. Webster), which, after mature deliberation, he has urged with all his force against the measure. I shall begin with my reply to his constitutional objections. He holds that the measure is unconsti-

tutional, because we have no authority to give away the public lands.

I do not feel myself obliged to meet this objection. It is not true in fact. The bill makes no gift. It cedes the public lands to the States within which they are respectively situated, subject to various conditions, and among others, that they shall pay over one-third of the gross amount of the sales to the United States; that they shall surrender all their claims against the Government under the two and three per cent. funds, and take the whole trouble and expense of the management of the land, including the extinguishment of the Indian titles. But I waive this decisive answer. I meet the Senator on his own ground, and with a conclusive argument, as far, at least, as he is concerned. He admits, that it would not be a violation of the constitution for Congress to make a donation of land to an individual. And what, I ask, is there to prevent it from making a donation to two; to an hundred; or to a thousand? and if to them individually, why not to them in the aggregate, as a community or a State? He, indeed, admits, that Congress may make a donation of public lands to a State for useful purposes. If to one State, why not to several States—to the new States—if the measure should be thought to be wise and proper? If there be a distinction, I acknowledge my intellect is too obtuse to perceive it; but as the bill makes no gift, I feel under no necessity of pressing the argument further.

The Senator's next position is, that we have no right to delegate the trust of administering the public domain confided to us by the constitution, to the States. Here, again, I may object, that the argument has no foundation in truth. The bill delegates no trust. It makes a concession—a sale of the public lands, to the new States; and what the Senator calls trusts, are but conditions annexed to the sales—conditions alike beneficial to them and to the old States. The simple question then is, Can Congress sell public lands to a

State? Suppose the State of Ohio were to offer to pay $1.25 an acre for the remnant of the public lands, within her limits, —could not Congress sell it to her? And, if it may sell for $1.25, may it not for a dollar; for 75 cents; or a less sum, if it should be deemed the true value? Again: if Congress can make an absolute sale, may it not make a conditional one? and if so, why may it not make the disposition proposed in this bill? That is the question, and I would be glad to have it answered. If I ever had any constitutional scruples on the subject, the arguments of the Senator would have satisfied me that they were without the shadow of foundation. His reasoning faculties are well known; and if these are the strongest constitutional objections that he can advance, we may be assured, that the bill is perfectly free from all objections of that description.

Having now dispatched the objections against the constitutionality of this bill, I shall next consider the arguments which the Senator urged against its expediency. He says, that I placed the necessity of this bill on the fact of the passage of the land bill reported by the Committee on Public Lands; and as it was still uncertain whether it would become a law, the ground on which the necessity of this bill was based, may yet fail. The Senate will remember the remarks I made on asking leave to introduce this bill, and that I was far from placing it on the simple fact of the passage of that bill. I took broader ground, and rested my motion on the character of the bill and the circumstances which attended its passage through this body. From these, I concluded that the period we all acknowledge must at some time come, had actually arrived, when the public lands within the new States should, on proper conditions, be ceded to them. I do not deem it necessary now to go into a discussion of the character of the bill, or the history of its passage through the Senate. We all have, no doubt, formed our opinions in relation to both. From all I have seen and

heard, I am satisfied, that the bill had not the hearty assent of its supporters, whether from the new or old States; and I doubt very much whether there was an individual who voted for it, that gave it his hearty approbation. Many who had uniformly opposed all measures of the kind, and who represented portions of the Union which had ever been vigilant on all questions connected with the public lands, were found in the ranks of those who supported the bill. The explanation is easy. It assumed the character of a party measure, to be carried on party grounds, without reference to the true interests of either the new or old States; and, if we are to credit declarations made elsewhere, to fulfil obligations contracted anterior to the late Presidential election. From all this, I inferred, we had reached the period, when it was no longer possible to prevent the public domains from becoming the subject of party contention, and being used by party, as an engine to control the politics of the country. It was this conviction, and not the mere passage of the bill, as the Senator supposes, that induced me to introduce the measure.

I saw, clearly, it was time to cut off this vast source of patronage and power, and to place the Senators and Representatives from the new States on an equality with those from the old, by withdrawing our local control, and breaking the *vassalage* under which they are now placed. The Senator from Massachusetts objects to the term, and denies that Congress exercises any local control over those States. I acknowledge that the epithet is strong; perhaps too much so. I used it to express the strong degree of dependence of the new States on this Government, whose power and patronage are ramified over their whole surface, and whose domains constitute so large a portion of their territory. I certainly did not anticpate that the Senator from Massachusetts, or any other, would deny the existence of this dependence, or the local control of the Government within their limits. Can any thing be more local than the lands of

a State? and can any State be said to be free from dependence on a government, when that government has the administration of a large portion of its domain? Is it no hardship that the citizens of the new States should be compelled to travel nine or ten hundred miles to this place, and to wait our tardy justice on all claims connected with the public lands; a subject, in its own nature the most local of all, and which ought, above all others, to be under the charge of the local authorities of the States? I ask him if he would be willing to see Massachusetts placed in the same relation to this Government? and, if it were, whether it would not destroy its independence? I ask him if it must not give a great and controlling influence wherever it exists? Through its lands, the authority and action of this Government pervade the whole territory of the new States; and their citizens become claimants at your doors, session after session, either for favor or justice. I do not say that all this is incompatible with the sovereignty of those States, but I do aver, that it is in derogation of their sovereignty.

The Senator next objects to this measure, that it would not free Congress from its present difficulties, in reference to the public domain. He says, that we should soon have the new States here, besieging us with memorials to alter the conditions of cession, with all the dependence and difficulties of which we now complain. My impression is very different. Make the terms liberal, and they will be satisfied. They will relieve Congress from the whole burden of business, as far as the lands are concerned, which now occupies so much of its time; and the public councils will no longer be under the dangerous influence inseparable from their management. If, hereafter, a new state of things should arise, and the arrangement proposed in the bill should require revision, it will be for those, who come after us, to apply a remedy; and I have no fear, but they will do their duty.

The senator next insists, that the acquisition of these lands will prove no benefit to the new States, and predicts, that it would involve them in incessant agitation and trouble. Such might be the case, if the cession was absolute; but the bill contains provisions, which will prove an effectual check against these difficulties. To place its provisions beyond alteration or attack, it is expressly provided that if they should be violated by the States, the cession itself should be void, and all grants made subsequent thereto, shall be null and of no effect. They are thus placed under the safeguard of the judiciary; and the courts of the Union will determine on questions growing out of their infraction. For this purpose, the cession has assumed the form of a compact, and I feel confident that, under its provisions, the new States would administer the land without agitation or any serious trouble or difficulty. If this can be effected, I appeal to the Senators, whether the land within their limits ought not to be under their local administration? I, for one, feel that we of the old States have not, and cannot have, that full and accurate local knowledge, necessary for their proper management. Of all the branches of our business, it is that which I least understand. From this defect of information, the Land Committee has it almost exclusively under its sole control, whenever it is so constituted as to attract, in any degree, the confidence of the House. This has been the case from the first. I well remember that, when I first took my seat in the other House, Jeremiah Morrow, a member from Ohio, a man of great integrity and good sense, was the Chairman of the Committee on Public Lands, and was, in fact, the sole legislator on all subjects connected with them; and in this body we have almost invariably yielded our judgment to the committee, from a conscious want of information. The difficulty is growing from year to year, with the vast increase of the new States and territories, and the growing complication of our land code; and the consequent increase

of business is such, that we already have scarce time to dispatch it with due attention. In a short time, the increase will be doubled, and what shall we then do? By passing this bill, we will be wholly relieved from this burden; and the questions we are now compelled to determine, without adequate knowledge, will then be settled by those whose local knowledge will make them familiar and well acquainted with the subject.

But, we are told by the Senator, that the public lands have been well administered by the General Government; and that he cannot surrender his belief, but that they will continue so to be. That they were well administered in the early stages of the Government, while they were not an object of much pecuniary or political interest, I am ready to admit; but I hold it not less certain, that as the number and population of the new States increase, and with them the value of the public lands and the political importance of those States, we must become year by year less and less competent to their management, till finally we shall become wholly so. I believe, that we are not now far from that period. Does not the Senator see the great and growing influence of the new States—and that it is in the power of any unprincipled and ambitious man from one of them to wield that influence at his pleasure? Should he propose any measure in relation to the public lands, be it ever so extravagant and dangerous, the members from the new States dare not vote against it, however adverse to the measure. It is useless to disguise the fact, that our possession of so much land in the new States, creates and cherishes an antagonist feeling on their part towards the Government, as to every measure that relates to them. They naturally consider your policy as opposed to their interest, and as retarding their growth and prosperity, great as they are. We must take human nature as it is, and accommodate our measures to it, instead of making the vain attempt to bend it to our measures. We

must calculate that the means of control, which this state of things puts into the hands of the ambitious and designing, will not be neglected; and, instead of idly complaining, let us remove the cause by wise and timely legislation. The difficulties and dangers are daily on the increase. Four years more will probably add three more new States, and six additional Senators, with a great increase of members in the other House; and, what is more important, a corresponding increase of votes and influence in the electoral college. Can you doubt the consequences? The public lands, with their immense patronage, will be brought to bear more and more on the action of Congress; will control the Presidential election; and the result will be that he who uses this vast fund of power with the least scruple, will carry away the prize.

The Senator himself sees and acknowledges the approach of this dangerous period; and agrees, that when it does come, we must surrender the public lands within the new States—but is for holding on till it shall have actually arrived. My opinion is the reverse. I regard it as one of the wisest maxims in human affairs, that when we see an inevitable evil, like this, not to be resisted, approaching—to make concessions in time, while we can do it with dignity; and not to wait until necessity compels us to act, and when concession, instead of gratitude, will excite contempt. The maxim is not new. I have derived it from the greatest of modern statesmen, Edmund Burke. He urged its adoption on the British Government, in the early stages of our Revolution,—and, if the obstinate and infatuated statesman, Lord North, then at the head of affairs, had listened to his warning voice, it may be doubted whether our Revolution would have taken place; but events were ordered otherwise. The voice of wisdom was unheeded, and the Revolution followed, with all its consequences, which have so greatly changed the condition of the world.

I have thus hastily and without the advantage of pre-

vious reflection, replied to the arguments of the Senator from Massachusetts. I would have been much gratified, if a course better suited to the magnitude of the subject, and more favorable for full and deliberate discussion, had been adopted; but, as it is, I have passed over no argument, as far as I can remember, which he advanced, and, I trust, have replied to none, which I have not successfully refuted.

I shall now conclude with a few remarks, in reply to the Senator from New Jersey (Mr. Southard). He tells us, that he will not bid for the new States. I regret, said Mr. C., that I do not see him in his place. Does he mean to intimate, that, in introducing this bill, I am bidding for them? If he does, I throw back the injurious imputation. I indignantly repel the charge. No, Sir, I am not a bidder. What I have done, has been from an honest conviction of duty; and not less for the benefit of the old than the new States. The measure, I conscientiously believe, would be alike serviceable to both.

[Mr. Southard, who had been absent, here returned to the Chamber. Mr. C. seeing him, repeated his remarks, on which Mr. S. disclaimed having said any thing like what Mr. C. understood him to have said. On which Mr. C. resumed:]

I am happy to hear it. I felt confident that the Senator could not intend to cast so injurious an imputation on me, and I rejoice to hear from his own lips the frank and honorable disclosure he has made.

But I not only believe the measure to be beneficial and expedient, but I firmly believe it to be indispensable, in order to restore the Government to a sound and healthy condition.

The tendency of our system to centralism, with its ruinous consequences, can no longer be denied. To counteract this, its patronage must be curtailed. There are three great sources to which its immense patronage may be mainly

traced, and by which the Government is enabled to exert such an immense control over public opinion—the public lands, the post-office, and the currency. The first may be entirely removed. This bill will cut it up, root and branch. By a single stroke we would not only retrench this growing and almost boundless source of patronage, but also free ourselves from the pressure of an immense mass of business, which encumbers our legislation, and divides and distracts our attention; and this would be done without impairing, in the long run, our pecuniary resources. In addition, the measure would place the Senators from the new States on the same equal and independent footing in this chamber with ourselves. In such results who would not rejoice? The Senators from the new States would especially have cause to rejoice in the change. Relieve them from the dependent condition of their States, and they would be found in the front ranks, sustaining the laws and the constitution against the encroachment of power.

But the Senator from New Jersey tells us that we have no power to pass this bill, as it would be in violation of the ordinance, which makes the public land a common fund for benefit of all the States; and that we, as trustees, are bound to administer it strictly in reference to the object of the trust. In reply, I might ask the Senator how he can reconcile his construction of the ordinance with the constant practice of the Government, in which, if I mistake not, it has been sustained by his vote? How many grants have been made out of the public domain to colleges, academies, asylums for the deaf and dumb, and other institutions of like character? If such concession be consistent with the provisions of the ordinance, what prevents this bill from being so also? But I rest not my reply on that ground. I meet the Senator according to his interpretation of the ordinance. I assert boldly that the disposition this bill proposes to make of the portion of the public domain within the new States, is

the very best, under existing circumstances, that can be made —regarding it in reference to the common interest of all the States. Let it be borne in mind, that all sides agree the new States will soon be able to command their terms, when others less favorable to the common interest may be imposed. If we of the old States make it a point to hold on to the last, they will, by a necessary reaction, make a point to extort all they can when they get the power. But if we yield in time, a durable arrangement may be made, mutually beneficial and satisfactory to both parties.

The Senator further objects, that if this bill should pass, its provisions would be extended, from necessity, to all the States which may hereafter be admitted into the Union. I must say, I see no such necessity; but my present impression is, that such would be the course that wisdom would dictate. According to my mode of thinking, all the revenue we may derive from the sales of lands in a State, after its admission, is not to be compared in importance to its independence as a sovereign member of the Union; for there is no danger of the falling of our institutions for the want of pecuniary means, while there is no small danger of their overthrow from the growing and absorbing attraction of this central power.

END OF VOL. II.

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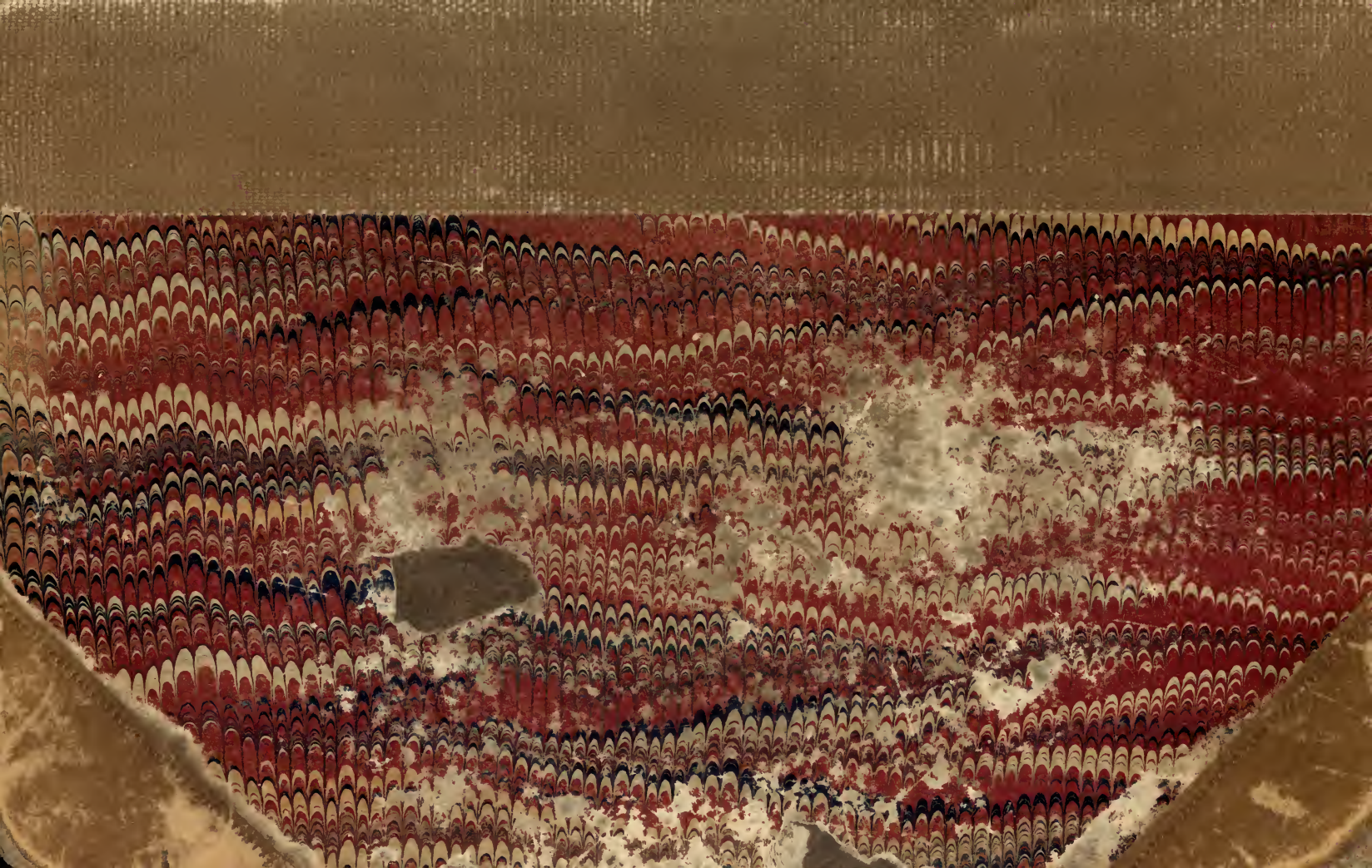
DUE AS STAMPED BELOW

OCT 4 1979
AUTO. DISC.
REC. CIR. SEP 5 1979
JUL 0 3 1989
JUN 1 0 1980
INTERLIBRARY LOAN
JUN 1 6 1992
UNIV. OF CALIF. BERK.
DEC 10 1979
REC. CIR. JUN 2 4 '80
MAY 2 3 1982
REC. CIR. MAY 1 4 1982
SEP 3 0 1989

UNIVERSITY OF CALIFORNIA, BERKELEY
BERKELEY, CA 94720

FORM NO. DD6, 60m, 11/78

U.C. BERKELEY LIBRA
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